

MEMORIAL  
TO THE  
MANAGERS  
OF THE  
ROYAL INFIRMARY.

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BY  
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PRACTICE OF PHYSIC IN THE UNIVERSITY OF EDINBURGH, AND  
FIRST PHYSICIAN TO HIS MAJESTY IN SCOTLAND.

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# MEMORIAL

MANAGERS



JAMES GORDON

RECTOR OF THE ROYAL COLLEGE OF PHYSICIANS, LONDON

EDINBURGH

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NOTES

## C O N T E N T S.

**SECT. I.** Object of this Memorial. To call the attention of the Managers to the mode of attendance of the Surgeons in the Hospital promiscuously by rotation. This an infringement of the Charter of the Royal Infirmary, and a violation of the promise of the original Managers, on the faith of which the Charter was granted. Very bad for the patients. The result of a bargain with the Surgeons for money. Such a bargain inconsistent with the purpose of the Infirmary, and beyond the power of the Managers. It ought to be set aside, as bad for the patients, illegal, unjust, and inconsistent with the duty of the Managers, as expressed in the Charter of the Infirmary, Page 1,—15.

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Apology for certain omissions in this Memorial. Offer to supply in an additional Memorial, on receiving authentic information of the facts, any omissions with respect to matters of fact, which involve the interest either of the College of Surgeons in general, or the personal interest of any individual members of it. Page 178,—260.

ME.

1. The first of these is the fact that the Government has not been able to secure the necessary funds to carry out its policy. This is due to the fact that the Government has not been able to secure the necessary funds to carry out its policy.

The first of these is the fact that the majority of the population of the United States is of foreign birth. This fact alone would seem to require that the education of the young should be such as to give them a knowledge of the history and institutions of the country to which they have come. But there is another fact which is equally important. The United States is a country of great diversity of race and language. The population is made up of many different peoples, each with its own traditions and customs. It is therefore necessary that the education of the young should be such as to give them a knowledge of the history and institutions of the country to which they have come, and also of the history and institutions of the various peoples who make up the population of the United States.

# MEMORIAL

OF

DR. GREGORY.

## SECTION I.

IN consequence of my situation as President of the Royal College of Physicians in Edinburgh, I have had for more than a twelvemonth past, and, if I live, shall have for near a twelvemonth to come, the honour of a place among the ordinary Managers of the Royal Infirmary.

Though thus but transiently connected with them, and with the management of that noble institution over which they preside, I think it my duty most earnestly to call their attention to a long established, but very bad peculiarity in the conduct of it, which to me, and to many others better qualified than I am to judge of it, has long appeared a very serious evil, and one which in some measure frustrates the benevolent purpose of this institution.

I allude to the mode of attendance of the Surgeons. Instead of a few surgeons being appointed to the Hospital by the Managers, as the physicians are, during their lives and good behaviour, all the members of the Royal College of Surgeons in Edinburgh are said to be Surgeons to the Royal Infirmary, and every one of

A

them



them claims it as his *right* to act in his turn as attending and operating surgeon in this Hospital.

This strange system was at one time an innovation, the history of which is not quite forgotten. It is not however so generally known, but it is equally true, that it was and is a gross violation of the *promise* of the original subscribers and founders of the Infirmary, and an *infringement* of our *charter* obtained on the faith of that promise.

By the original institution of this Hospital, as stated in the petition of the Managers to the King, praying him to erect them into a corporation, which petition is engrossed, and the institution itself recorded, and, as I should think, unalterably established, in the charter of this Infirmary, " Poor sick, properly recommended, from any part of the country, who are not absolutely incurable, are to be entertained and taken care of by the Royal College of Physicians of Edinburgh, and *some of the most skilful Chirurgeons.*"

To this institution and promise, on the faith of which, as stated in the petition, our charter was granted, the whole of the charter refers. For that express purpose this corporation was constituted; and its powers are expressly limited to things consistent with the laws of the realm, "*that may tend to promote the said charitable design;*" or, as it is more fully expressed in another place of the charter, "*as may best conduce to the charitable end and purpose above mentioned.*"

It is plain that by our charter, the whole Royal College of Physicians had a right to attend in this Infirmary; but not so all the surgeons.

It is of importance to observe here, that the clause in the petition, and in the charter, putting the Physicians and the Surgeons on so different a footing with respect to their mode of attendance in the Infirmary, was by no means accidental, but deliberate, and intended

intended by the founders of the Hospital. There had been a violent dispute between them and the Surgeons about it for some years before the charter was obtained, which was not till 1736. The temporary hospital had been conducted by the College of Physicians, (the original founders of the institution), and by a few of the Surgeons chosen for that purpose by the Managers from 1729. This selection had given great offence to the other Surgeons. But the Managers at that time, steady to their purpose, promised in their petition, and had it inserted in their charter, that the poor sick were to be taken care of by *some of the most skilful Chirurgeons*. This irresistibly implies two things, both of which are self-evident at any rate, and both of which it is much to the present purpose to attend to very strictly.

*First*, It implies, that, of the Surgeons of Edinburgh, some may be *more* and others *less* skilful. This, I presume, many people would very readily believe without the evidence, either of a ghost, or of a Royal Charter: for this reason, among others, that it is generally known to be the case with the individuals of many different professions; very remarkably among lawyers and wig-makers, shoemakers and tailors, milliners, cooks, fiddlers, dancing-masters, postillions, and physicians.

*Secondly*, It implies, what most people, indeed all that ever I heard of, except *one set* of our predecessors in this trust, would consider as self-evident, that it *was*, and *is*, and *ever must be*, the *right* and the *duty* of the Managers, out of the great number, forty or more, of the Surgeons of Edinburgh, to choose and appoint *some of the most skilful* to take care of the sick poor in the Infirmary. I conceive that every set of Managers were *legally bound* to do this, to the best of their knowledge, information, and belief, by their oath *de fidei administratione*, which all of them are by the charter obliged to take before they can act as Managers. That oath surely relates to the faithful care of the sick,



sick, and the *duty* to them befitting the Managers, as much as to the due and faithful care and administration of the funds of the Hospital: for to that end and purpose the corporation was erected, and the Hospital and its funds are absolutely destined.

Acting under that charter, and having taken that oath, the Managers surely could have no legal right to violate the charter itself, by violating one of the express conditions and purposes for which it was granted. They surely could have no more right or power to annul one clause or condition of their charter, than to annul the whole of it; or to insert a new clause in it; or to give themselves, by their own authority, a totally new charter.

I doubt whether in strict law, whatever excuse or justification they might have had in equity, they could have violated the condition of their charter, and express *promise* and original *design* of their institution, even for a *good* purpose.

I am no lawyer: but I know, to my sorrow, by a similar instance, in which, by my profession and station, I am particularly interested, that any condition or limitation in the charter of a corporation is held so valid in law, as to be deemed almost or quite indefeasible.

The Royal College of Physicians in Edinburgh has its charter clogged with a most unfortunate limitation, a *salvo jure* of all the four Universities of Scotland: or rather the *five*; for there are *two* Universities in Aberdeen, as there are in England. Of course, any man who has a diploma of Doctor of Medicine from St Andrew's, Glasgow, Aberdeen, or Edinburgh, is, *ipso facto*, entitled to have a licence from our College, to practise physic in Edinburgh, without any previous examination or trial. This right is always set forth in the formal petition for a licence from our College, by every Physician who has a diploma from a Scotch University: and it cannot be disputed.

But



But it is also true in fact, that some gentlemen, who have studied, or pretended to study, physic, in the University of Edinburgh, and who, on being examined by the Professors of medicine here, have been found grossly ignorant, and been remitted to their studies, have immediately afterwards obtained the diploma of M. D. from some other Scotch University. One unlearned gentleman, whose head seems to have been somewhat longer than usual, had the wisdom to provide himself with such a diploma, (value L. 14, or thereabouts), before he allowed the Edinburgh Professors of physic to examine him, having, I presume, got just knowledge enough of physic, to know that he knew nothing about it, and that possibly the Professors would find that out when they examined him.—This gentleman had the goodness to write and publish a pamphlet, and one of the others took the trouble to publish a large octavo volume, abusing the Edinburgh Professors for what they had done: which publications, of course, completely justified the Professors.

But they would not have justified the College of Physicians, in refusing the young Doctors, the authors of them, a licence to practise physic in this city, if they had applied for such licence. We could not, even to do a thing clearly expedient, and equitable in itself, have violated that clause of our charter which secured the previously existing rights of all the Scotch Universities.

As little, I should think, could the Managers of the Infirmary legally break the promises in their petition, and violate the conditions specified in their charter, even for a *good* purpose; and still less, if possible, could they do so for a *bad* purpose. By a *good* purpose, here, I mean something that tended to make the condition of the sick poor in the Hospital *better*, and their chance of safety, relief, and complete recovery, *greater*, than it was before. By a *bad* purpose, here, I mean any thing that tended to make

their condition *worse*, and their danger, their fears, their sufferings, and their misery, on the whole *greater*, and their chance of relief or complete cure, *less*, than it was before.

For example, on the principle just now stated, if the Royal College of Physicians had chosen to dispute the point with them, I do not believe the Managers could legally have ousted them of their *right*, coeval with the institution, and established expressly in the charter, of being all of them Physicians to the Infirmary; nor consequently could the Managers have appointed (without the consent and acquiescence of our College) two ordinary attending physicians to do permanently the hospital duty. But the physicians were too wise, and knew too well the duty, the object, the very delicate nature, and the real dignity of their profession, to dispute that point with the Managers, after it became fully evident that it would be *much better* for the sick poor in the Hospital to be taken care of by a very few of them permanently, than by all of them promiscuously in rotation.

As little, surely, or less, if possible, could the Managers at any time be entitled legally to violate their charter, or any express stipulation or condition in it, or promise on their part in their petition praying to have such a charter, for a *bad* purpose, inconsistent with the very plan and terms of their institution, by committing the care of the sick poor in the Infirmary,—not, as they had *promised* in their petition, and as the public at large, and chiefly the sick poor, had a strong interest, and a *chartered right*, to expect and require, to *some of the most skilful surgeons*; but, indiscriminately to the *most skilful* and the *least skilful* of them, on a system of *rotation* absurd almost beyond belief or comprehension, and pregnant with *endless* mischief.

Yet this has been done, by one set of Managers, more than sixty years ago; and the evil, great from the first, has increased, is increasing, and ought to be removed.



No person in the least acquainted with the ways of men, will ever suppose that so gross and plain a *wrong* was done for nothing. Bad as mankind may be thought, the worst of them will hardly do a great wrong to others, who had never injured or offended them, and who, in their utmost misery, had been entrusted to their charitable care, without some strong inducement: And every person, of competent understanding, and knowledge of the world, will guess with confidence, that so monstrous an evil could spring from no other root, but that *one* which has most justly and emphatically been termed the root of all evil, *Money, Money*; whose magic power has sometimes made Justice see, and often has made men blind who saw the clearest; which once made *Demosthenes* almost speechless; and which every day perverts the strongest judgment, and sometimes even leads astray a benevolent and upright heart.

Such, I seriously believe, was the case in this instance. At least the fact is certain, that one set of Managers, whose general character for integrity, benevolence, and public spirit, was unquestionable, forgetful of their first and sacred duty to the sick poor entrusted to their charitable care, and regardless of their oath *de fideli*, deliberately did that great evil, for *Money*; not money for their own private use, but money to increase the public fund of the Hospital.

The history of that *curious* transaction is well known to the Managers and to the Surgeons: it is fully recorded in the minutes of both corporations; and there can be no dispute about it. There is no occasion to detail it minutely here: I shall have frequent occasion to refer to it in the sequel of this Memorial. It is of much more importance to state what the consequences of it have been, and are at this day.

It would be little to the purpose here, little to my own credit, very little to the satisfaction of the Managers, still less to the gra-



tification of the public, and least of all to the benefit of the sick poor, who at present are, or hereafter may be in the Hospital, to have stated what are the terms, the spirit and purpose, and the primary condition of our charter: It would even be little to have established, that such a charter, or condition or clause in it, or such a specific promise on the part of the original subscribers and founders of the Hospital, referred to in the charter, is indefeasible by the Managers acting under the charter, and not to be set aside by any authority known in this country less than that of an act of parliament: All these things, however completely effected, would avail nothing, and probably would not even induce the Managers, certainly ought not to induce them, to try to enforce by law their original charter, and set aside, as illegal and incompetent, a transaction for money, (which of course must be refunded), and a formal bargain, inconsistent with our charter; unless it be also shewn that the transaction has been *very bad* for the Hospital, in its primary object and most essential interest; I mean, the proper care of the sick poor admitted into it.

Till this is done, the Managers can have no *great* interest, and no *honourable* or reasonable motive for trying the question. They would even have strong reasons for not bringing it to a public discussion; I mean, that the transaction alluded to is little to the credit of their predecessors in this trust. "And though, for other considerations, we should be entitled to bring the question to trial, and to obtain a decision in our favour on the strict principles of law; yet we should be heard, even in court, with some distrust and disapprobation; and we should certainly incur, and, what is worse, we should richly deserve, the indignation, instead of the gratitude of the public, and the reproaches of the sick poor admitted into the Hospital, if we availed ourselves of a strict point of law, to enforce a right which was *bad* for them, or to set aside

a transaction which experience had proved to be for their essential benefit.

It is incumbent on me therefore to shew, that, as Managers of the Hospital, we are guardians of the health and lives of the sick poor admitted into it; and that, in this view, we have the strongest interest and most cogent reasons for wishing to enforce our legal chartered right; and for demanding, that a transaction, inconsistent with that right, and cruelly bad for the sick poor, shall be annulled.

This I take to be the equity of the case; on which, just as much as on the point of strict law, we must rest our cause. Far from wishing to keep it out of view, or to shrink from the most public and rigorous discussion of it, I wish to bring it forward, to place it in the clearest light, to state it strongly, and to illustrate it fully.

It is in this way that I have the vanity to think I may be of some use.

I know that I am totally unable to argue a point of law. I know that I cannot argue even a point of equity, as a lawyer would do. I know that I cannot make the most of those strong and obvious considerations of natural justice, and humanity, and good faith, and expediency, and common sense, which this case so amply affords. That must be the business of an experienced and able lawyer.

But, on the other hand, I know that the discussion of this case, on principles of equity, involves the knowledge and consideration of many facts and circumstances, quite foreign to the habits and the thoughts of lawyers, which the office and duties of my own profession, and near thirty years intimate acquaintance with this Hospital, have made familiar to me.

Many of these particulars are so intimately blended with the principles of the equity of the case, as to be almost or quite essential



fential to it. Even the consideration of the close affinity between the duty befitting the managers of an hospital towards the sick poor admitted into it, and the professional duty of physicians and surgeons to the same sick poor, when *their* patients, may deserve the most serious attention. The two duties appear to me so near akin, as to differ chiefly, or solely, in this respect, that in point of common sense, and good faith, and natural justice, the former (the Managers) are bound to *procure*, what the latter (Physicians and Surgeons) are bound to *do*, for the sick poor entrusted to their care. Both duties appear to me *indefeasible* and *supreme*; that is, *superior* to all considerations of interest or convenience that *can be* put in competition with them.

If I can explain and illustrate these things to the conviction of men not lawyers, and who perhaps never thought of them before, I may do so to the conviction of lawyers also: or at least I may have the good fortune to furnish them some new information of curious particulars, and some materials, or hints, of which they will know, much better than I can do, how to avail themselves.

If, in this good cause, I can do the humble, but necessary, office of the bellows-blower to the organist, which I think not impossible, my wishes will be amply gratified.

As a Manager of the Infirmary, I can have no wish, and if I had the wish, I have not the power, to renounce or give up one iota of its legal rights on any occasion, and least of all on so interesting an occasion as the present.

But, as an upright man, wishing to act fairly and openly to all concerned, wishing to reason strictly, but candidly, in the conduct of my argument, wishing, in short, to reason and act in such a manner, that all upright, intelligent, and candid men shall be convinced by my argument, and approve of my conduct, I have no objection to state and argue our case as it *would have*

*stood*

*stood* if there had been *no such clause* in our charter as I have stated, and believe decisive as to our *legal right*.

I shall *suppose*, that in our charter not one word had been said of *the Royal College of Physicians in Edinburgh*, or of *some of the most skilful Chirurgeons*. I shall suppose that our charter had erected this corporation for the purpose of managing an Hospital wherein sick poor were to be entertained and taken care of by physicians and surgeons: or still more generally and briefly, an Hospital for the cure or relief of sick poor; and that our powers (by the charter) had been limited to such "*things consistent with the laws of the realm, as may best conduce to the charitable end and purpose above mentioned.*"

This I conceive to be the most honourable and liberal way of stating the case, to which no person can reasonably object.

It is not to be supposed that any person can be so irrational or so shameless, as to maintain, that we, acting under such a *supposed* charter, could legally and effectually do any thing, and least of all make a perpetual bargain, not only *not conducive* to the charitable end and purpose for which this corporation was erected, but directly *inconsistent* with it, and undeniably *very bad* for the patients.

Now, even in this view of the case, I think it may be shown, on principles of natural justice, humanity, and common sense, enforced in some respects by certain medical considerations, that the transaction and bargain which I reprobate must be set aside.

It is evident, that this is not to be done by specifying any particular instances of negligence, unskilfulness, or incapacity in individual surgeons, who, by virtue of that bargain, and in violation of the clause in our charter, have taken care of the sick poor in the Infirmary.



If a dozen such instances were proved incontestably, they could lead to no fair conclusive *general* inference against the bargain, but only to certain inferences with respect to those surgeons individually. It might be said, and very properly it would be said, Let those individuals, according to the circumstances of their respective cases, be admonished, or censured, or instructed, or, if found absolutely incorrigible, let *them* be forbidden to take care of the sick poor in the Hospital: but let the general system of promiscuous attendance in rotation, as established by the bargain, still stand good.

It never can be the interest or the wish of the Managers to enter on such painful and needless discussions, or to bring to public view misfortunes which ought never to be known. Nor are they entitled to consider as *faults*, what in candour, and even in strict justice, should be regarded only as *misfortunes*. It is not the *fault* of a youth of four-and-twenty, just going to begin the practice of his profession, that he has not all the skill, and useful experience, and manual dexterity, of a surgeon fifty years of age, who has had very extensive practice for twenty years. It is the *fault* of that execrable system, established by a sordid bargain, which gives to every such youth who is a Fellow of the Royal College of Surgeons, that right of attendance in the Hospital, which, on every principle of expediency, and humanity, and natural justice, and common sense, as well as by the express terms of our charter, ought to be given only to some of the most skilful of them. Nay more, that system *indirectly* obliges the youngest, the most inexperienced, and who must therefore be presumed the least skilful, to undertake that nice and arduous task; while it leaves the most experienced and skilful at liberty, and even affords them a strong inducement, to decline it. These may decline it without injury to their own well-established character; even their great occupation in private practice may be an excuse for doing so; while

while their prudent reluctance to risk their own character, by taking any share in a system which they know to be bad, and by which they have much to lose and nothing to gain, is a strong motive for withdrawing from it. But a young surgeon, rather wishing to begin than actually beginning the private practice of his profession, may naturally wish to have an opportunity of performing on the sick poor in the Hospital all the operations of surgery, not one of which he had performed before. He may think it a good piece of education in his profession. At any rate, he cannot decline to attend in his turn, without seeming to acknowledge some consciousness of his own inferiority to his professional brethren who are eager to undertake the same task.

Nor could the Managers propose by any such enquiries into things past, to rectify any evils that have been done. Their only rational object in this case, is to prevent the continuance or repetition of such evils in future.

This, it is evident, can be done only by shewing plainly and fully the nature and greatness of the evils *inevitably* and *necessarily* proceeding from the promiscuous attendance of the surgeons by rotation; which evils consequently cannot be removed while that *system* is allowed to continue. These alone are the evils of it to which I allude, to which I have peculiarly turned my attention, and which I undertake to explain, and, if required, to *prove*, in their fullest extent.

I will own that I have another view in stating, very particularly and strongly, those evils, and in shewing whence they necessarily proceed.

For certain reasons, which will appear in the sequel of this Memorial, I have the vanity to think, that, by so doing, I may make a strong and favourable impression on many of those who perhaps at present believe that they have an interest and a right adverse to

ours,



ours, and to what we reckon essential to the proper care of the sick poor in the Hospital.

I think the case may be stated to them fairly, and yet so strongly, on the general principles of natural justice, humanity, and common sense, that, if there were not in this Island a court that could enforce the principles of law or equity, still they would find that they could gain neither honour nor advantage, but quite the contrary, by insisting on their bargain.

If I can succeed in this attempt, I shall both accelerate the good which I have in view, and also save the Managers the trouble and expence of litigation.

I know what happened formerly at different times when this question was agitated; but I am not discouraged. Many circumstances of the case are now greatly changed. The example of the College of Physicians, which at one time was the strongest argument in favour of the bargain with the Surgeons, is now directly and strongly against it.

Uniform and ample experience for more than sixty years, has fully shewn how bad the system in question has been for the sick poor in the Hospital; and how unavailing even for that purpose which the surgeons, who after a hard struggle got it established, had most at heart. Above all, I trust to the more liberal and honourable sentiments, and more enlarged and just views of the subject, which now prevail among the surgeons themselves, as well as among others who have an interest in it. I know for certain, that many of them think on this point just as I do; and I trust that all of them will do so when they attend to it strictly. I know there has been so great a change in the sentiments and manners of the more respectable inhabitants of this city within these seventy years, at which time this question was first agitated, that those considerations which the surgeons openly avowed, and stated as the strongest arguments in their favour, cannot now be avowed; and, if avowed, would be received

ceived with honest and keen indignation. Of these obsolete arguments, a short specimen is given in the sequel of this Memorial; and a very short one, I am sure, will suffice.

I know also what is commonly said of corporations, that they have neither shame nor conscience; and that many men, united in a corporation, will do things without scruple or remorse, at which as individuals they would have spurned with indignation. But this I do not implicitly believe, and I am sure it is not universally true.

I know very well that a Royal Charter can never confer either moral virtues or intellectual endowments; but as little can it take them away.

I know well, that on a similar occasion, fifty years ago, that corporation over which at present I have the honour to preside, waved its indisputable legal right, and acted just as liberally and honourably as any individual member of it could have done in the same circumstances.—I can see no physical or moral obstacle to the surgeons behaving just as well at present.

This may be thought precarious. Be it so. There can be no harm in making the experiment. Lawyers have long ago determined, that *Superflua non nocent*. Our chance of success, in that experiment, will not be the less, that those on whom it is tried, know beforehand that we have law and equity on our side.

And when this Memorial shall be laid on the table in Surgeons Hall, and five and forty scalpels, sharper than razors, shall be drawn at once to dissect it to the bone, the operators will not be less cautious or skilful in their business, for knowing that it has been revised by counsel learned in the law.



## SECTION II.

**B**EFORE I attempt to show the greatness of the evil *necessarily* resulting from the pernicious system of all the Fellows of the Royal College of Surgeons having a right to attend in the Hospital promiscuously by rotation, it is proper to state what use they actually make of that right: else it might be said that I was considering not real but only imaginary or possible evils, which were to be dreaded from it; but which in fact were either totally prevented or greatly lessened, by the humane, prudent, and delicate use which the surgeons made of so dangerous a right.

The fact is, as the Managers may be convinced in a moment, by perusing the list of the surgeons who have attended in the Hospital by rotation during the last three years, that though all of them *claim*, all of them do not choose to *exercise* that right. But many of them do rigorously avail themselves of it: chiefly the junior members of their college; all of whom, to the number of seventeen, counting upwards from the bottom of the list, who resided in Edinburgh, did attend and operate in the Royal Infirmary, in the last rotation or succession, each for two months at a time. Of the *seventeen* juniors, from Mr Lawson to Mr George Bell inclusive, only *four* have not attended in their turn; namely, Mr Lawson, who is surgeon to a regiment in a distant part of England; Mr Charles Anderson, whose situation is the same with Mr Lawson's; Dr William Nisbet, who is settled in London; and Dr William Farquharson, who has now retired to the country. To make up for these *four* not resident in Edinburgh, there were at the end of last year *five* more Fellows of the Royal College of Surgeons whose names come after that of Mr George

George Bell (the present attending surgeon : March, 1800.) Their time of attendance in succession will extend to ten months, that is, till the 1st March 1801. Before that time probably three or four more will be on the list, implying the attendance of the junior surgeons in the Hospital in succession for three or four years without interruption.

But *many*, indeed *most* of the senior members of that respectable body, men of the highest eminence in their profession, in whose character, and judgment, and knowledge, and attention, and skill, and dexterity in the important article of surgical operations, the public has the greatest confidence, have withdrawn themselves from that public, honourable, and charitable duty.

Of the *three-and-twenty* senior Fellows of the College of Surgeons, counting downwards from the top of the list, only *four* have attended in the course of the last rotation. These four were, Mr Ruffel, Mr Wardrope, Mr Arrot, and Mr Latta.

This non-attendance of many of the most experienced and most eminent of the surgeons began long ago, but has increased very much of late : and though a very great evil in itself, and a gross violation of the bargain with the Managers, at least of the spirit and meaning of it, though not just of the terms of the contract, now passes unnoticed. But I have been informed, that when it first began, it was seriously taken notice of by the Managers, and complained of by them as a breach of the contract on the part of the surgeons. There can be no doubt that the Managers at least, and, as I suspect, the surgeons too, had no such thing in view when they made the bargain.

The Managers will see, by their own minutes at different periods within these seventy years, that different plans have been proposed to remedy, or at least to lessen, so great and striking an evil. At first it was proposed (by the surgeons themselves) that an elder and a younger surgeon should attend together : this, as might easily have



have been foreseen, came to nothing. At another time the strange, perplexed, expensive, and equally unavailing system, of *four substitute surgeons* attending along with those in rotation, and instead of those who declined to attend in their turn, was adopted; and after a full trial for many years, was given up as useless.—The system of rotation being in itself fundamentally bad, may easily be made *worse*; but never can be made *good*; nor even *better* than it was at first: and as to the various degrees of badness, all of them very great, which may take place in it, I cannot think they are worth disputing, or taking any trouble about.

It is sufficient for my present purpose to state, that gradually it has come to this pass, that the practice of surgery in the Royal Infirmary is *chiefly*, and for *two* or *three* years together is *entirely*, in the hands of the youngest and most inexperienced surgeons, each of them attending in his turn for two months at a time.

The reasons which could induce so many of the senior surgeons, men of the greatest worth, as well as professional eminence, and still in the vigour of life, to withdraw themselves from a duty so honourable to themselves, and so beneficial to the public, must have been strong indeed, and must well deserve the most serious attention of the Managers of the Royal Infirmary.

Those reasons are no secret: by some, who have acted in conformity to them, they have been avowed in the most open and honourable manner: and they perfectly coincide with and confirm many other considerations, more obvious, and, as I think, perfectly decisive on the same point.

That system, of all the surgeons of a great city, or all of them who please, attending and operating by rotation, appears to me so bad for the Hospital in its most essential interest, I mean the welfare of the sick poor admitted into it, that I *seriously* doubt whether the ingenuity of man, if it had been so absurdly employed on purpose, could have contrived a worse; that is, one more unfavourable to  
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the main end of such an institution, the relief and recovery of the poor and unfortunate, who from disease or accident required the care and attendance of skilful and experienced surgeons, and often the performing of the most difficult and dangerous surgical operations.

If my opinion on this subject were new, or singular though long formed, I should not presume at this time to obtrude it on the Managers. But for more than twenty years it has been my firm opinion; and during all that time I have frequently had occasion to hear the same opinion strongly expressed by many different persons, *Students*, Professors of medicine, Physicians, Surgeons, nay, even Managers of the Royal Infirmary; persons well informed, and frequently eye-witnesses of the evils resulting from that system which they agreed with me in condemning.

To most people it will appear very strange that I should quote students of physic as high and respectable authority on this point; which they may probably be thought too young and inexperienced, and scarce sufficiently informed, to be able to judge of.

To the Managers of the Royal Infirmary in particular it may appear worse than strange, perhaps reprehensible, and peculiarly unbecoming in me, to refer with any kind of respect to the opinion of the students on this subject; which opinion they used sometimes to express in a most indecent manner, by murmuring, and even hissing in the operation-room. The Managers will naturally think of the violent explosion which happened there some years ago, and which required their interposition, and most serious animadversion; especially as one of the present Managers, (Mr Innes), and along with him the present Treasurer of the Infirmary, (Mr Jardine), were the persons who attended in the Theatre during an operation, soon after, to enforce the very proper orders of the Managers, for preventing such indecent behaviour in the students, and excluding for ever from the Hospital any of them who  
should



should be guilty of it on any pretence whatever. The *pretence* at that time, which, for good reasons, was allowed to pass as an excuse, was, that the hissing complained of was not at the *operator*, but at the *assistants*, who intercepted the view of what was doing. That this was sometimes the case, was certain; and it may have been wholly or partly the case that particular day of the great explosion. But it was equally certain, and so notorious, as neither to be denied nor explained away, that such indecent marks of disapprobation were occasionally bestowed pretty freely on some of the operators, who appeared less dexterous than their brethren.

The Managers may be assured that I have no wish and no means to justify, or in any degree to excuse, the behaviour of the students in that respect. It was in every point of view as bad as possible; disgraceful to themselves, most shocking to the unfortunate patients, and cruelly embarrassing to the operator. I sincerely hope that nothing like it shall ever again occur in the Hospital. I should not at present have revived the memory of such an unpleasant occurrence, but for an important purpose: to represent to the Managers, that there must have been a great *fault* somewhere else, as well as among the students, that gave occasion to such conduct on their part.

So long ago as when I was a student, and, as such, accustomed to attend in the operation-room, it was not uncommon for the students to bestow very freely their marks of approbation or disapprobation on different operators. Though I was not one of the offenders, I was sitting among them one day when their behaviour in this respect was so bad, that it roused the indignation of a gentleman of the profession, who is at present one of the Managers of the Infirmary; I mean Mr Alexander Wood, who very properly gave them a sharp reprimand for their indecent conduct. This reprimand, which indeed was well merited, the students were wise enough to take in good part, and there was no more  
said

said about it at that time. This must have been somewhere between twenty-six and thirty years ago; some fifteen or twenty years before the great explosion, which of course almost obliterated the memory of all former less remarkable events of the same kind.

That I may not be misunderstood on this point, I must mention, that the indecent marks of disapprobation, on the part of the students, which I witnessed, were not bestowed on Mr Wood himself. He was universally acknowledged to be an admirable operator; as the students were abundantly ready to testify, sometimes rather in a tumultuous manner. He was that day attending as an assistant, or a *substitute*, according to the system which at that time prevailed.

I think I remember who the operator was, but I am not quite sure; and if I were, I should not name him. But that the Managers may have some kind of notion what circumstances gave occasion to such behaviour in the students, I will mention, that about the time to which I allude, I have repeatedly seen a surgeon operate in the Infirmary, whose hand shook so much, that every student who saw him, thought he should scarce have undertaken to apply a plaster or a bandage. Yet, with that grievous defect, I have seen him attempt a nice operation on the eye. This gentleman withal was a man of most respectable character, and great professional skill. As a consulting surgeon, he might have been very useful to the Hospital; but certainly he ought not to have appeared there as an operator. This the youngest student in the operation-room, provided only he were not blind, could not fail to perceive in three minutes.

I know enough of students of physic, and was long enough one myself, to be able to assure the Managers with perfect confidence, that though they may prevent the students from clapping or hissing in the operation-room, (which indecencies they certainly



ought for many reasons to prevent), they never *can* hinder the students from judging of the real and comparative merits of the different surgeons, in their operations; from perceiving that some of the surgeons operate admirably well, others not; and from criticising very openly, and with more rigour than favour, every part of their practice; just as they do the practice of the ordinary physicians, and of the clinical professors. If it were possible, which luckily it is not, it would be wrong to prevent in the young men the freest exercise of their own judgment.

But in truth I must say, however rash or mistaken in such judgments, with respect to surgeons as well as physicians, they may sometimes be, that many of the most pointed observations, and severest strictures, that I have ever heard made on the abuses to which I allude, have been from students, sometimes in such terms as I do not choose to remember, but withal of such a tenor that there could be no dispute about the justness of them. Many of the remarks to which I allude were made by young men peculiarly well qualified, and strongly prompted to make such observations, some of them having been previously bred regularly to surgery, and even having been engaged in the practice of it, as surgeons or assistant surgeons in the army or navy; and others having just before attended the London Hospitals, chiefly with a view to the practice of surgery; and who, on coming to Edinburgh, to complete their medical education, naturally attended much to the management of the surgical department of this Hospital, and were irresistibly led to make comparisons, very little to the credit of those concerned in it.

While I state this strongly, though not so strongly as it has several times been stated to me, I beg it may not be supposed that I mean to admit or contend for that vast superiority of London surgery and London surgeons which they are pleased to arrogate to themselves. But I must contend strongly for a self-evident and

very

very important truth, established by ample experience, but which might have been foreseen without experience, that, every thing else being equal, the practice of surgery in an hospital conducted on the system unfortunately established in this, *must be* greatly worse than the practice of surgery in an hospital where the surgeons have a permanent appointment, and remain long in office.

In the great hospitals in London, and, so far as I know, in every city except Edinburgh, the attending surgeons are appointed during life and good behaviour, by the managers of the hospital. They are very generally men of the greatest character and eminence in their profession; men who, from first to last, have staked their fame and fortune on their assiduous attention, on the knowledge and skill which they display in their hospital-practice, and on the success which attends every part of it, and especially the operations which they perform. Many of them have persevered in very regular attendance at their hospitals, and the most faithful discharge of their duty when there, for a great part of their lives, notwithstanding their extensive private practice, and the labours and entanglements inseparably connected with it; till the approach of age and infirmities made them feel the propriety of resigning their public and arduous charge to their younger brethren, whose strength was more adequate to the task.

Such men, so established, have time and opportunity, and what is at least of as much consequence, they have the strongest possible inducements, to prosecute with increasing ardour the study of their profession; to learn what is doing, and what is proposed by others in it; to adopt what is good, and with due caution to try what appears rational and promising; in short, to improve themselves in every part of their business; and not only to become dexterous operators, but expert in the medical and chirurgical treatment of several diseases, so as to prevent the necessity of many an operation,



tion, which in less skilful and practised hands would be unavoidable.

Every improvement which such a surgeon acquires in the course of many years is gained to the hospital in which he continues to practise and to operate; it is gained to the poor and unfortunate who are admitted into it; it is gained to the students who attend it, and who see and learn his practice; and by the instruction of his pupils, as well as by his own practice, both in the hospital and in private, it is soon diffused, and gained to the public at large.

Moreover, such a surgeon, in the course of his attendance in an hospital, has opportunities of observing many defects or errors in the general system of management, with respect to the patients in his department; has time to consider how they may best be supplied or corrected; to propose plans of improvement, and to get these introduced, and fairly tried and adopted. This is always an ungracious task, and a work of much time and labour; forasmuch as it never fails to meet with strong opposition, from the force of habit, the prejudices, the pride, the laziness, and the obstinacy of those who must execute the plans proposed.

The difference between the situation of a few surgeons so established in an hospital, and that of any number attending in rotation or succession for two months at a time, supposing their natural talents, their previous education, and the professional knowledge which they had acquired when they began their attendance, to be equal, is such as not to admit of any rational comparison, whether we consider it with a view to the improvement of the practitioners themselves, the benefit of the patients in the hospital, or the improvement of the art of surgery, and the good of the public and of mankind.

It would be indelicate at least, and might even be thought illiberal,

ral, if not malevolent, to attempt to state the contrast very minutely and strongly.

I cannot even presume to offer a few remarks on the disadvantages of the system unfortunately adopted in this Hospital, though the most general in their nature, and the most indisputable as to their justness, without premising, that I have no intention to propose any enquiry as to particular instances of negligence or mismanagement, and no wish that any thing should be stated, and certainly nothing shall be stated by me, that either directly or indirectly can in the smallest degree affect the professional character, or hurt the feelings of any individual. Such particular enquiries and discussions can do no good; they cannot fail to do harm, by leading to endless disputes and altercations. I know well that it is not only illiberal, but unreasonable, and unjust in the highest degree, to censure a mode of practice as injudicious, because other practitioners would not have followed it in the same circumstances; to condemn it as bad and hurtful, because it proved unsuccessful; or to pronounce that a great operation was ill performed, because it proved fatal. Nothing but the grossest ignorance could account for such dogmatical censures, and even such ignorance would be no excuse for the person who should hazard them.

But fortunately, on the present occasion, all such minute enquiries, and all particular consideration of the merits or demerits of any individual, are not only unnecessary for the object which I have in view, but would evidently tend to frustrate my purpose. I shall therefore most carefully avoid them, and I trust that no other person will introduce them in this discussion.

I take it for granted that no person will dispute that a young and unpractised surgeon will acquire some improvement in the exercise of his profession, by attending in an hospital, and treating such patients in his department as are admitted; and by performing, probably for the first time in his life, such operations as are required.



quired. It is avowedly for the sake of this kind of improvement to all alike, that the Royal College of Surgeons have been anxious to have the right of attending and operating in this Hospital, open to all its members in rotation.

Any improvement that a young surgeon could get by attending and operating for two months, I should think must be but inconsiderable; certainly very little compared to what he *might*, and with due attention on his part *would*, acquire by attending for six months, or for a twelvemonth, or still better, for several years continually. To enable a young practitioner either in physic or surgery to obtain improvement by experience, it is not enough that a certain number of patients come under his care; he must have time to acquire the *habit*, the *facility*, the *readiness* of attending to so many different cases in quick succession; of judging and acting, as we say, on the spur of the occasion, and applying justly, and with precision, the general principles of physic or surgery to those particular cases.

Still more time, and leisure, and habit, and the feeling of that ease which habit alone can give, are necessary to enable a practitioner to compare together a number of different cases of the same disease, to try with due caution different modes of cure; and at any rate to observe with accuracy the progress of the disease, and the effects of the treatment employed, and to draw the proper inferences from all that he observes.

It is just the accumulation of many such practical inferences from many particular cases accurately compared together, and the facility and habit of applying that knowledge and the general principles of physic and surgery to particular instances, and in surgery the manual dexterity acquired by frequent repetition of operations, that constitute the great superiority of a judicious, attentive, experienced practitioner, over a young man of equally good education, and equal, or even much better natural talents.

That

That kind of practice, and that great number and variety of cases, which occur at once, or in very quick succession, in an hospital, and which, after some time and habit, become the most instructive of all, are more apt at first to confound, and embarrass, and oppress a young practitioner, or even an old one, who is not accustomed to practise in such a situation.

I doubt much whether two months, or three times two months, can be sufficient to enable a young surgeon to get the better of that confusion and embarrassment, and acquire the habit of hospital-practice, or put him so much at his ease, that he can profit much, if indeed he can begin to profit, by what he sees or what he does.

But be his improvement more or less in the course of his two months attendance, at the end of that time it is lost to the Hospital for many months at least, probably for some years, perhaps for ever. Nay, it is in a great measure lost to himself: for what was acquired by habit, and depends on habit, will soon be lost by disuse, or the want of habit. But whatever become of the individual, and the improvement which he acquired in his two months attendance in the Hospital, it is plain at least that it cannot be transferred, like the gold chain of my Lord Provost, to his successor in office. *He* begins to attend and to operate just on purpose to acquire the same kind of improvement. Now that improvement which the one has got, and which the other wants to get, or the superiority of the one over the other, whose natural talents and education must be supposed equal to those of the former, at the end of the first two months, if it could be measured, and expressed accurately in language, would denote, with mathematical precision, the amount of the injury or the evil which the Hospital suffers by the change of the experienced for the inexperienced surgeon: an evil not to be compared to any pecuniary loss, and not to be compensated by any pecuniary advantage: for they are things incommensurable: it is injustice and cruelty to the patients, if done or permitted from any consideration but irresistible necessity.



An evil of the same kind, but incomparably less in degree, must from time to time occur in every hospital, from such necessity, by the death or resignation of the physicians or surgeons who are permanently appointed to it; unless care be taken to provide against the evil (as certainly should be done) by the appointment of assistants or substitutes, who may be gradually and effectually trained to the duty of the hospital, and be able and ready on any vacancy to supply the places of their respective principals. This I believe is now generally, if not universally, done in all the great Hospitals of London, and in many other places.

But even though this very rational and easy precaution were neglected, and a perfect novice in hospital-practice, or in every kind of practice, for example, a youth of one and twenty years of age, who has just finished his apprenticeship and his education, were appointed to succeed as eminent a surgeon as Mr Pott or Mr Hunter; though the evil would be great, it would be but transient; after a few months it would be every day growing less; and in a few years would no longer be felt, or supposed to exist. The young practitioner, if he was not deficient in natural talents, in the acquired preliminary knowledge of his profession, and in assiduous attention to the duties of his office, which accomplishments, though they cannot absolutely be insured by any mode of appointment, are to be presumed at least as much in the case of election as in that of rotation, might soon equal in skill and rival in fame his great predecessor.

By the system of attending in rotation, that grievous evil is in some measure established as a part of the institution, and made perpetual; forasmuch as those who had attended once or twice before for the short period of two months, and then were out of the habit of it for as many years, can neither have the knowledge, nor the habit of applying readily their knowledge, which those would have who had been attending regularly during the whole of that time.

But

But a case is not only supposable, but real, and which has already occurred, and must from time to time again occur, which shews the evil of that system in all its horrors. The surgeon in attendance may be so for the first time; all his juniors, who come after him in the order of rotation, have never yet attended; but each of them in his turn is to undertake that arduous duty for the first time. According to the number of juniors, when the first of them begins his first attendance, that succession may last a year or two; before the end of this period, three or four more surgeons may have finished their apprenticeships and their studies, and become Fellows of the Royal College, entitled to share in all its rights and privileges, and very eager to avail themselves of the privilege of attending and operating in this Hospital. By the time that their attendance is finished, one or two or three more new members may have been added to the Royal College of Surgeons; and these in their turn must attend and operate here. Nor can this order be interrupted, or the supposed right of any of them withheld, by any different arrangement, without acknowledging the reality of that evil against which I remonstrate.

Thus it must happen from time to time, that, for two or three years successively, the practice of surgery in the Royal Infirmary shall be entirely in the hands of young and inexperienced practitioners, all of them in their turn attending and operating in it for the *first time*.

The magnitude of such an evil needs no proof, and can admit of no exaggeration. Whether it be for half a century, or for half a year, or for ever, the evil is the same, not only in kind, but in degree; the difference is only as to its duration: and if the evil be very often repeated, though but for a short time at once, it is in every respect almost as bad as if it were constant.

If, by any order of the Managers of the Royal Infirmary, or by virtue of any compact between them and the Royal College of Sur-



geons, four or five of the members of the latter body were chosen by lot, or if the four or five youngest members of the College, without regard to any other consideration but that of their being the youngest, were appointed permanently surgeons to the Hospital, the absurdity, the injustice, and the cruelty of such a procedure would excite the most just and universal indignation. Common sense, and justice, and humanity, all require, that for so difficult and important a trust some selection should be made; and that some regard should be paid to the experience and to the personal and professional character, as well as to the education and station of the persons in whom that trust is reposed.

Yet that which, stated as a novelty, and as an imaginary case, in order to illustrate an argument, appears such a grievance and such an abomination as could never be endured, if it were actually done, would be a much less evil than that which has long been established, and which scarce attracts the attention of the public; for no other reason, I believe, but because it is established, and has long been familiar to them.

Let it be observed, that in the imaginary case of the most injudicious permanent appointment which I have stated, no individuals are supposed to be allowed to act as surgeons in the Royal Infirmary, but those who by the present establishment have the right, and avail themselves of the right of doing so. If they are qualified to act in that capacity for two months, they must be much better qualified to act in the same capacity for many months and many years.

Though it must at first view appear a most extravagant assertion, or a paradox, I have no doubt that, on the strictest examination, it will be found a serious truth, and one so plain as not to admit of dispute, that, if three men were chosen by lot out of the College of Surgeons, or if the three youngest Fellows were appointed, or if the three next to be admitted Fellows, young men not yet out of their apprenticeships, were appointed permanent Surgeons to the Hospital,

Hospital, the practice of surgery in it would in two or three years be on a much better footing than it has been for many years past. And it is plain at least, that, at the beginning of such a new establishment, the practice could be no worse than it will be when the same gentlemen attend in rotation; for it must be precisely the same.

The imaginary case which I have stated may be brought much nearer to the real one, by supposing that the three junior Fellows who obtained the appointment of Hospital Surgeons were to hold it only as long as they were the three juniors, so as to ensure a succession of the youngest always to fill that office. What on this supposition would be intuitively *very bad* for ever, must be *equally bad* for any number of months or years, during which it may and *must* take place according to the present system.

To make any person not constantly in the habit of strict and accurate thinking attend fully to a very familiar object, and perceive clearly all those particulars about it which he was accustomed to overlook, and judge fairly of the importance of things which he had long regarded as of no moment; it is often necessary to place it in a new point of view, and in strong and various lights. I shall endeavour to give one other illustration of the point in question, which I trust the Managers will see in the same point of view that I do.

They know in what manner the Physicians to the Hospital are appointed. They know well in what an exemplary manner the two present Physicians of it, Dr Hamilton and Dr Rutherford, have for many years discharged the duties of their important office. If, by their death or resignation, the Hospital should be deprived of their services, it would most justly be regarded by the public, and more especially by the Managers of the Infirmary, who best know the value of them, as a very great misfortune, and a loss which could not soon or easily be supplied. To supply it,



however, as soon and as well as possible, two other Physicians to the Hospital would soon be appointed; most probably men who have been for some years engaged in the practice of their profession, and who have already attained considerable reputation as Physicians, and whose personal character and conduct are known and esteemed by the public. Perhaps, however, in consequence of those of my profession who are somewhat advanced in life and much engaged in business declining such an arduous task, or for other good reasons, the Managers might make choice of two junior Fellows. In such a Body as the College of Physicians, there can be no doubt, that among the junior as probably as among the senior Members, two men may be found, whose talents, education, and professional knowledge, would render them unexceptionably fit to discharge the duty of Physicians of this Infirmary, to the satisfaction of the Managers, and with honour to themselves, and advantage to the public. But surely neither the Managers, nor the public, nor the newly-appointed Physicians themselves, (supposing them, as ought to be supposed, men of sense), could believe them as able and expert in their Hospital-duty, for many months, or perhaps some years, as their predecessors had been. Without meaning in the least to call in question the merits of Dr Hamilton or Dr Rutherford when they severally obtained the honourable appointment which they have long held, I must believe that they have improved greatly in the course of from ten to twenty-four years, and that they are still improving; that they are better able to do their duty in the Hospital, and actually do it better now, than they did at first. To suppose otherwise would be no compliment to those gentlemen, of whom, I am sure, no person thinks more highly than I do.

The loss of that kind of improvement to the Hospital on the death or retreat of an experienced Physician is inevitable, and though not irreparable, cannot instantly be repaired. But when

the Managers take the best measures in their power to get the loss supplied as soon as possible, in the way which I have here supposed, which for fifty years has uniformly been followed in this Hospital, and, so far as I know, in almost every other, they are not only free from every suspicion of blame, but entitled to every praise, for the faithful discharge of their trust.

The case would be widely different, if, on the event supposed, the death or retreat of the Physicians of the Infirmary, the Managers, departing from that rational and approved mode of proceeding, should adopt a different system, such as I shall now state.

I shall suppose that the Royal College of Physicians, knowing what kind of compact had been made sixty and again thirty years ago, between the College of Surgeons and the Managers of the Infirmary, approving the plan and tendency of it, adopting in general, and in their fullest extent, all the motives which had induced the surgeons to make such a bargain, and give such a valuable consideration to get the appointment of Surgeons to the Infirmary done away, and the right of attending in it by rotation extended to every Member of their College, and judging that it would be greatly for the honour of our College, and the personal advantage of its Members individually, to be on the same footing as the Surgeons at the Infirmary, had given the Managers of it L. 1000; in consideration of which, a solemn contract was executed in all the needful or possible forms of law, by which the Managers appointed the whole Royal College Physicians to the Infirmary, expressly granting to every Fellow of it an equal right of attending and practising in the Infirmary in rotation for two months at a time, either by himself, or along with one or two other Fellows of the College, as should be thought most expedient; in short, completely reinstating them, without the trouble and disgrace of any litigation, in their original right as expressed in the Charter of the Infirmary.

It



It will be said at once, that the Managers *would* never make such a bargain, and *ought* not to make such an one for any sum of money that could be offered them. This indeed is abundantly plain, after the experience of the same kind of bargain with the surgeons. But it is not the question. Supposing, however contrary to reason and probability, that the Managers did take the money and execute the contract; supposing further, to make the parallel as exact as possible, that many of the senior Fellows of the College of Physicians, men of eminence in their profession, declined taking any share in the business, and that the rotation soon came among the junior Fellows, with the certain prospect of continuing among them for many months or years: in such a state of things, what would become of the utility of the Hospital? Of its high, and, I believe, very just reputation? Of the confidence of the public in the administration of it? Of the last hope and comfort in this world of the poor and unhappy, who resort to it for relief under the accumulated pressure of poverty and sickness? I suspect the general indignation and just reproaches of the public, for the public at large, and chiefly the poor and unhappy, not the Managers of the Infirmary, must be the sufferers by such a compact, would soon make both parties repent and be ashamed of their bargain, and be equally desirous to get rid of it.

I doubt even whether the keen indignation excited by such a compact would allow time for any full and patient trial of the effects of such a system; for every person who has either the understanding or the feelings of a man, must foresee as inevitable much more than enough completely to determine his judgment.

If it were proposed to any the dullest of men, that themselves, their children, and their families, when sick, should be attended indiscriminately by all the Fellows of the Royal College of Physicians, in a pretty quick rotation, so that at the end of a certain month, and perhaps in the middle of a painful or dangerous disease, the  
 physician

physician who at first attended them, and who was known and esteemed by them, and who was treating the sick tenderly, skilfully, and successfully, should suddenly disappear, and be succeeded by another, whom the family had never seen, or perhaps had seen to their sorrow, and thought they had good reason to dislike and to dread; who perhaps held very cheap the opinion and the practice of his predecessor; who perhaps was eager to show his own superiority, and to reprobate the practice of the other; or who at least thought it his duty, from his full conviction that the other was doing wrong, to follow a different practice, and to give his reasons for doing so: Such a proposal surely would excite horror rather than indignation, even in the most thoughtless and unfeeling.

Yet this is no more than what the patients under the care of the Surgeons in this Hospital are exposed to suffer, once in two months, according to the present system of rotation.

The poorest patients in the Hospital have the understanding, the feelings, and the rights of men. They know and feel, though they may not have words to express it, that misery is sacred. They are *our* families, and *our* children, when *we* act as Managers of the Hospital: They have a right to *our* paternal care; they have a right to obtain from *us* the best assistance, and every relief and comfort which *we can* procure for them. That right in them is indefeasible, and in point of importance it is supreme: without injustice to them, no other consideration can ever be put in competition with it. *We* are not entitled to alienate it for money, or for any thing else: It is not *ours*.

Corresponding to what is their right is our duty; and we are not true to our trust if we do not exert our utmost endeavours to discharge our duty in its utmost extent.

If our predecessors in this trust have on any occasion neglected their duty, and inadvertently waved a right which they could not renounce because it was not theirs; it is our duty to reclaim and make



make effectual that right, now that the evils are strongly felt, and have long been felt, which result from the disuse or waving of it. We are the more especially and loudly called upon to do so, as very ample experience concurs with reason to prove that the evils in question are not accidental and transient, but permanent and increasing, and the natural and inevitable consequence of a pernicious system, unhappily interwoven with this establishment.

It is *incredible* that there should be no remedy for so great an evil, no redress for so great a wrong; and that one rash action or false step of one set of Managers of this noble Institution should for ever bind their successors to persevere in injustice and cruelty, and half frustrate the benevolent purpose of this charitable Foundation.

Before we finally acquiesce in such an opinion, and submit, without hopes of relief, to such an odious thralldom, which whether recent or old is equally bad, it is our duty to use our utmost endeavours to shake it off. We are not justified to ourselves, to the public, to the poor and unhappy who are entrusted to our care, knowing what we do of the nature and greatness of the evil, if we do not at least bring it to a trial, if necessary, before the highest court of justice in the kingdom.

If, after all, we shall be unsuccessful in this attempt, which I think hardly possible, we shall at least have the satisfaction and the credit of doing our duty: and what is more, we shall ultimately, though more slowly than I should wish, gain our end in a different way.

By our making the attempt, the nature and greatness of the evil will become generally understood; our opinion of it, and our earnest wish to remove it, will be made known; the origin of it, and the impediment to its removal, will be fully ascertained; and it will appear by whose *fault* it is continued. These things being once publicly known, the evil in question, inveterate as it is, like  
many

many others, will at last, and in no long time, produce its own cure.

It is not from general and speculative reasons alone, however irresistible they may appear to me, and however generally I find them admitted by judges the best informed, the most candid, and in every respect the most unexceptionable, that I venture to express myself so confidently as to the favourable result to be expected from such a full discussion and general knowledge of the evil in question, and of its cause. We have the most direct and decisive experience of a case exactly in point.

The *very strong case*, which I stated as purely imaginary, and hardly supposable even for the sake of illustration and reasoning, bears a very near and curious relation to the real matter of fact.

The experiment, which in stating that case I had only supposed, was actually tried with respect to the College of Physicians, but in the order of the two modes of attendance (by rotation or by permanent appointment) opposite to that which I had stated as the subject of a new experiment.

The fact is, (as stated p. 2.), that, by the original establishment of this Infirmary, every member of the College of Physicians had a right to attend in rotation (which was monthly) and practise in this Hospital.

All who chose, and, I believe, all the Fellows and Licentiates of the Royal College of Physicians, or with very few exceptions, did actually attend in their turn, for a month at a time, and practise as Physicians to this Infirmary, without fee or reward, according to the tenor of their original offer, when they began the subscription for its establishment.

This system, which now, after fifty years experience of a different and a better one, appears to us absurd at least, if not inhuman, continued with very little alteration for almost *two-and-twenty years*, that is, from the 6th of August 1729, when the temporary hospital, which was occupied for some years while this noble



fabric was a-building, first was opened for the reception of patients, till the 28th of June 1751, when for the first time two ordinary Physicians to the Infirmary were permanently appointed. These were, Dr David Clerk and Dr Colin Drummond, both of them young physicians; the former of whom I never saw, but I know he was a cotemporary of my father, and had taken his degree of M. D. in 1746. The latter, Dr Colin Drummond, was still younger, and had taken his degree but a few months before he was appointed Physician to this Infirmary, viz. in 1750. Him I have often followed in this Hospital, and attended to his practice in the years 1770 and 1771.

But long before the year 1751, before even the foundation-stone of this Infirmary was laid, probably from the time that the system of the physicians attending by rotation in the Hospital was tried, the evils of it were felt and complained of: For so early as December 1737, that is, in little more than *eight* years from the time that the *temporary* hospital was opened, the Managers publicly, and in very plain terms, expressed their sense of the evil, and made an attempt, but unluckily a feeble and inadequate attempt, to redress it.

This was done at their meeting 19th December 1737, as appears by the Minute of it, which is in these words: "The Managers of the Infirmary being sensible of the inconvenience of so many Physicians attending the Infirmary, do unanimously resolve, that the attendance be performed from and after the 1st day of January next, (1738), by such Physicians only as are Fellows of the Royal College." At the same time the thanks of the Managers were returned to the Physicians for their past good services, and the attendance of the Fellows of the Royal College in future was humbly desired.

Even this first and feeble attempt to remove a notorious inconvenience, which tended only to exclude from attendance in this Hospital

Hospital the Licentiates of the College, was in part frustrated, because it was thought to bear hard on two Physicians, Dr Macfarlane and Dr Martin, both of whom had attended in the Infirmary, but were only Licentiates, not Fellows of our College. They, taking umbrage at this exclusion, remonstrated with the Managers, and obtained from them, at their meeting 14th January 1738, an exception in their favour, by virtue of which, they two individually and by name, were permitted to attend the Infirmary in rotation with the *Fellows* of the Royal College.

This very partial and inadequate reform of a great evil was all the variation made in the original system till 1751, when a complete change of it, as already mentioned, was made at once; and what is peculiarly worthy of remark, it was made without the smallest struggle, or opposition, or remonstrance.

It should seem, that by this time the inconvenience in question, as well it might be after thirteen years longer experience of it, had been so severely felt, and had become so well understood, that no body contended for it. It was not even stated as the ground of the procedure; and instead of it, a very polite *pretence* was substituted as the reason why the Managers appointed two permanent ordinary Physicians to the Hospital; namely, that the increasing number of patients admitted into the Hospital, rendered the duty of attending it by rotation too burdensome for the College of Physicians.

I take the liberty to call this a mere pretence, or ostensible reason, without any scruple: for it evidently was not meant to deceive. It is inconsistent with what passed before, and what passed afterwards. It is even inconsistent with itself, in one point of view, to such a degree as to amount nearly to absurdity. To men of ordinary understanding it should seem almost self-evident, that the Hospital-duty, great and laborious and increasing as it might be supposed, could scarce be too much for the whole College of Physi-



cians, (twenty, or perhaps more), when two of the youngest members of the College were found willing to undertake it, and perfectly able to discharge it, with credit to themselves and advantage to the Hospital and to the public.

At any rate, it is certain that no complaints had been made of the individual Fellows of the College of Physicians, for negligence, or insufficiency in the discharge of their Hospital-duty; or by them, on account of the irksomeness and increasing labour of it: on the contrary, the thanks of the Managers were again given to them for their past good services, and they were humbly requested to continue their attendance, either by monthly rotation, or in whatever other way they should think best, once or twice a-week, *along with the ordinary Physicians*, and to give their advice and assistance to them when required. I need scarce add, that in Edinburgh, as in every other great town, there must always be abundance of physicians willing to act as such to an hospital, either purely from motives of benevolence, or for the sake of the improvement and reputation which they may acquire by their Hospital-practice.

The College of Physicians appear to have understood the Managers perfectly. When the unanimous resolution of the Managers, appointing two permanent ordinary Physicians to the Infirmary, and requesting the continuance of the services of the College along with them, was officially notified to them, the Royal College behaved as became them, wisely, liberally, and honourably. Far from urging any claim, or insisting on their indisputable legal right, according to the terms of the Infirmary's charter, to attend by rotation as the only Physicians of the Hospital, they, (to use their own words), " Did most cheerfully agree to what was there-  
" by desired, namely, to continue their good offices to the Infir-  
" mary, by appointing some of their number monthly by rota-  
" tion, or in what other way they think proper, to visit the house  
" once

"once or twice a-week, to give their advice and assistance to the  
 "two ordinary Physicians, when they judge it necessary to apply  
 "to them for the same."

In consequence of this request of the Managers of the Infirmary, and the corresponding resolution and appointment of the College, which was gratefully accepted by the Managers, the members of the College continued for some time afterwards to attend the Infirmary in their monthly rotation. This practice has gradually fallen into disuse, for the most obvious and best reason in the world; that the two ordinary Physicians, being in the daily habit of Hospital-practice, and having daily opportunities of consulting with one another, can have little or no occasion to call for the assistance of their professional brethren. But the offer of service on the part of the College was never retracted, or declined on the part of the Managers, who had requested it; and to this hour it is understood that the ordinary Physicians of the Infirmary have a right to call for the professional assistance of any *Fellow* of our College to their Hospital-patients, whenever they see occasion; and that it is the duty of every *Fellow* of the College, when so required, to attend in the Hospital, and give his advice and assistance, without fee or reward.

This is one of the most curious and important facts in the history of the Infirmary, and it is the most to our present purpose. It shows in the clearest light the strong sense entertained by the Managers, at that time, either by their own direct means of knowledge, or by the information which they received from those still better qualified to judge in such a question, of the evils necessarily resulting from the system of rotation itself, without even the most distant allusion to any *particular instances* of incapacity, misconduct, or negligence. It shows likewise how completely a few years of additional experience, after the evil was first pointed out, had opened the eyes of all concerned, so as to preclude the possibility of any difference of  
 opinion,



opinion, or any opposition to the requisite change, even from less worthy motives.

Nor, from the nature of things, *can* the case ultimately be different with respect to the Surgeons, and their mode of attendance in the Infirmary. From the hour when it is made a subject of public and serious attention and frequent discussion, that magic spell, the force of habit, by which alone it subsists in defiance of reason and humanity, will be broken; the more it is examined, the more even it is defended and maintained, the worse it will appear; till at last it will be shameful to contend for it, and no individuals and no set of men will find either pleasure or pride, or honour or advantage, in the continuance of it.

Truth is mighty, and will prevail, whenever it is fairly attended to. It is our business and our duty, and it cannot be a difficult matter, to procure attention to that interesting truth, of which we are all alike convinced, and of which we wish to convince others.

As soon as this is done, the evil will soon be removed; and, without the gift of prophecy, we may foresee, that by the time that one or two generations have passed away, it will appear incredible that so bad a system as that at present established should ever have been tolerated or thought of: it may even be necessary, for the satisfaction of curious enquirers yet unborn, to establish the truth of so singular and marvellous a fact, by reference to our authentic records; just as on the present occasion I have done with respect to the former mode of attendance of the Physicians of this Infirmary.

I must also beg leave to point out, that not only every consideration and argument, which, in point of *expediency*, or, in plainer English, in point of humanity, and justice to the patients, made it undeniably right to change the mode of attendance of the Physicians from frequent rotation to permanent appointment, is applicable in its full force to the Surgeons and their attendance; but  
further,

further, that there is another very strong reason with respect to the Surgeons, which is not applicable to the Physicians.

Many important qualifications and accomplishments, it is evident, must be equally necessary to physicians and surgeons, to enable them to practise their respective arts any where, but, above all, to enable them to practise them in a great hospital, with credit to themselves and advantage to the public.

For example, competent understanding, and maturity of judgment, and a complete and regular education in their respective professions, and the general knowledge of the principles of the art which they mean to practise; which general knowledge may be acquired from books and lectures, and seeing the practice of physic or surgery, and may be shewn in the most satisfactory manner, (as commonly is done), by undergoing a proper examination, and the habit of applying quickly, and readily, and judiciously, those general principles to particular cases, so as to perceive and direct at once what ought to be done; which habit can be acquired only by frequent and long continued practice: all these things are common to the physician and the surgeon; and the last of them cannot fail to give a great superiority to one who attends permanently in an hospital, over one who attends only by rotation, for a short time at once, and this at long intervals.

But there is one essential article of accomplishment peculiar to the surgeon, which renders a permanent appointment and long attendance without interruption peculiarly important, and a short attendance in rotation peculiarly unfavourable to him. I mean the great qualification of *manual dexterity* in the performing of surgical operations, especially the more nice and difficult of these.

On this point it may be sufficient to observe, because it is supreme authority, and complete and decisive evidence, that notoriously and *avowedly* the great motive of the Surgeons for wishing to have all their members permitted to attend the Infirmary in rotation,



ration, and for giving so valuable a consideration to the Managers for that privilege, was the knowledge and the dread of that undoubted superiority in skill and dexterity, which a few of their number, selected to attend permanently in the Hospital, would in a few years acquire over their professional brethren.

I take the liberty to call this unworthy sentiment *avowed*, not that I believe that the Royal College of Surgeons, or any individual member of it at present, will avow, or does in fact entertain such a sentiment; nor yet that I mean, by any kind of insinuation, unjustly and malevolently to impute so illiberal a motive to them, either collectively or individually; nor yet that I wish to give needless offence to a great and respectable society, or the individual members of it, whose friendly concurrence and assistance on this occasion I anxiously wish to obtain collectively and universally, as I am already sure of obtaining it from many of its members individually. If I may be permitted to judge of what are the sentiments, and what will be the conduct of the College of Surgeons in their corporate capacity, and of all the individuals in it, from what I have hitherto found without exception, in all of them with whom I am best acquainted, and with whom I have conversed on the subject, which is certainly the fairest, and even the most favourable way of judging of them; I must believe that they feel the same indignation at such a sentiment as I do, that they will disclaim it in the strongest terms, and that they will most cheerfully desist from that conduct which corresponds to such a sentiment, and at first *avowedly* proceeded from it.

I say *avowedly*; for at the time of the great contest on this point in 1738, the *reason* stated *first and foremost* in the paper or Memorial written by the Surgeons on the 17th, and read before the Managers on the 19th of May 1738, and containing all their reasons for so anxiously wishing to attend the Infirmary in rotation, was expressed in these memorable words:

“ In

*" In order to preserve an equality amongst the Surgeons of Edinburgh."*

It is the more remarkable that they should have hazarded so open an avowal of a sentiment not fit to be expressed even in a secret Committee of their Society, that they were acting at that time by and with the advice of counsel learned in the law. It appears that Mr Archibald Murray, Advocate, was their adviser, and actually was at their conference with the Committee of the Managers of the Infirmary on the 17th May, when the Surgeons agreed to draw up and deliver to the Managers such a paper.

But whoever were the authors or advisers of it, it is plain that they soon became sensible of their error in avowing such a sentiment: it is but common Christian charity to believe that they were heartily ashamed of it. At any rate, it is certain that no such sentiment or reason is again mentioned in the subsequent papers relating to that transaction, all of which are fully recorded in our Minutes; and they are pretty numerous and abundantly verbose, and full of a vast variety of reasons, some of them strange enough, and others frivolous; so that it is plain the surgeons soon found out, that their great and favourite reason, which had some time before induced them to erect and manage an hospital of their own, with great expence and trouble, in opposition (or as they called it rivalry) to this Infirmary, was not avowable.

It can scarce be necessary to point out, that " to preserve an equality amongst the surgeons of Edinburgh," by obtaining for all of them the right of attending by rotation in this Hospital, is in fact neither more nor less than *" To prevent a few of them, selected as regular ordinary Surgeons of it, from acquiring that high improvement, that superior skill in every part of their profession, and that dexterity in the performance of operations, and of course that greater*

G

*" degree*



*“ degree of reputation, esteem, and public confidence, and professional private practice, which, by their permanent appointment, and long attendance, and good conduct, in the Hospital, they could not fail to acquire in a few years over their professional brethren.”*

An equality preserved among the surgeons can be nothing else. The different expressions are synonymous and convertible; only the one is concise and obscure; the other full, clear, and explicit.

To produce and preserve a perfect equality among all the surgeons in Edinburgh is impossible by any human power; it could be done only by a perpetual miracle; and even a miracle could not make them all, what all no doubt would wish to be, eminent in their profession.

Their favourite plan, of having the indiscriminate right of attending in the Infirmary by rotation, could in no other way tend to preserve an equality among them, but by diffusing among all the means of improvement which the attending in the Hospital might afford, and consequently giving to each individual who was capable of improvement, *a very small portion* of that high improvement, which a few individuals properly selected, and permanently appointed, as ordinary surgeons to attend it, would in a few years have acquired.

Supposing their means of improvement, after they had finished their apprenticeships and their studies, to be limited to what attendance in the Infirmary would afford, and supposing them all equally capable of profiting by those means; the *necessary consequence* of the system of rotation would be, to produce a *great number* of surgeons very indifferently qualified, instead of a *small but sufficient number* very highly qualified, for the exercise of their profession.

Such an equality, for aught I know, may be attainable and desirable in some of the lowest mechanical arts; but I am sure it is not desirable, and, if it were desirable, it is not attainable, in a

liberal

liberal art, like physic or surgery, which partakes of the nature of science, gives ample scope to the exertion of superior talents, and rouses to the noble emulation of genius.

As I have found that some persons, whose judgment I respect, who, at my request, perused this Memorial in manuscript, conceived that I had done injustice to the surgeons, by putting too unfavourable a construction on their expression, "*in order to preserve an equality amongst the surgeons of Edinburgh;*" I think it right, in order to preclude all such surmises in future, to quote their own words in explanation of that passage, and in order to justify and establish that interpretation which I have given of it. I presume it will be acknowledged by all, that the surgeons who composed and subscribed that paper were the most intelligent and unexceptionable commentators on their own text.

The explanation of that passage which I am now to quote does not stand upon record in our minutes, like the text; but is taken from a printed pamphlet, now become very scarce, entitled, "*Memorial concerning the Surgeons Hospital.*" It is dated February 18. 1737. One of the papers in it is authenticated by the subscription of GEORGE DRUMMOND, to whom, as has been most justly and emphatically said, his country is indebted for all the benefits which it derives from the Royal Infirmary: and that paper was signed by him in name of the Managers. Another of the papers is authenticated by the subscription of John Kennedy, as President of the Subscribers to the Surgeons Hospital; who, the year before, had been Deacon of the Incorporation of Surgeons, at the time of the violent dispute with the Managers of this Infirmary.

The whole of that Memorial seems to be equally authentic, and evidently the work of Mr Kennedy and his brethren, the founders of the Surgeons Hospital. It is a kind of *attack* on Mr DRUMMOND, who, to do him justice, fought a hard battle for the Infirmary on this point: but was at last overpowered, in a way that, in the



sequel of this paper, I shall have occasion to explain. The copy of it which I have at present in my possession, was found among Mr DRUMMOND's papers; and I received it from his grandson Mr *Jardine*, our present treasurer.

That Memorial of the Surgeons Subscribers to the Surgeons Hospital, who at last got the better of Mr DRUMMOND and the other highly respectable gentlemen who were Managers of this Infirmary between sixty and seventy years ago, and brought about that bargain or compact, against which I now remonstrate, is in several respects one of the greatest literary curiosities I ever saw.

It is highly characteristic of the coarse sentiments and manners which prevailed at that time even among the more respectable citizens of Edinburgh. The considerations openly avowed, and the arguments chiefly urged in it, are such as no man of a liberal profession would now-a-days ever think of employing; or could listen to without disgust and indignation.

In point of reasoning, it is no less singular and wonderful: for admitting the facts or principles to be, in their full extent, as they state them, the inferences from them, with respect to this Hospital, nay, even with respect to the public at large, which they wished to get on their side, should be just the contrary of those which are drawn from them by the authors of that Memorial.

In point of composition, it is admirable and unparalleled; and, were it not for the keen indignation which the perusal of it cannot fail to excite in the breast of every person who knows the purpose of it, and who has the understanding and the feelings of a man, it would be very entertaining; by the ludicrous incongruity between the high-flown professions of humanity, and brotherly love, and Christian charity, which appear in the beginning of their papers, and which by the by seem to have lain dormant in their breasts till they were roused to life and energy by the appointment

pointment of a few of their brethren as Surgeons to this Infirmary, and the sordid considerations of pecuniary emolument to themselves, which they openly state, and dwell upon with great minuteness and the keenest interest, in the sequel of the same papers.

Their Memorial, like *Horace's* monster, in the beginning of the Art of Poetry, *Turpiter atrum defuit in piscem mulier formosa superne*. But it will be best to let it speak for itself; as I despair of doing justice to it by any general account or description: and for many reasons I wish it to be generally and precisely known what objects the surgeons had in view, and by what arguments (besides the tempting offer of money to the Infirmary) they laboured to enforce their claim.

The following extracts are taken *verbatim* from their printed Memorial.

“ We the Surgeon Apothecaries in Edinburgh, erectors of the  
“ Surgeons Hospital there, having lately set up and brought to  
“ some bearing this new Hospital, do think it our duty to publish  
“ this short account of our proceedings, before we call in the mo-  
“ ney subscribed for.

“ We have with pleasure observed the good effects of that pious  
“ and laudable erection of the Royal Infirmary; but have it to  
“ regret, that though the funds of their Hospital be considerably  
“ increased, and managed with great care and frugality by the  
“ Directors; yet we were often called to vast numbers of poor, mi-  
“ serable, sick people, who could not be received into the Infir-  
“ mary, because their stock is no ways answerable to the number  
“ of the diseased poor.

“ How often did we see poor servants or workmen cast out of  
“ business by indisposition, confined to a bed of straw, unable to  
“ help themselves or hire others, destitute of meat, drink, fire, and  
“ all other things necessary for their condition! which made it im-  
“ possible



“ possible for us, though never so willing, to give that relief by  
 “ medicine which their cases required.

“ Miserable objects of this kind were so numerous, that in town  
 “ and suburbs they amounted to some hundreds, (of which nine  
 “ or ten only could be taken into the Infirmary at a time). What  
 “ then must be the number in Scotland! Here pity and compas-  
 “ sion, charity and brotherly love, love to our country, and even  
 “ common humanity, set us a thinking how to provide some relief  
 “ in such calamitous cases.

“ It was for this purpose that we frequently convened, and con-  
 “ ferred together; but finding it impossible for us to attend, and  
 “ provide any considerable number with suitable accommodation,  
 “ as they lay scattered in so many different and distant places; we  
 “ concluded, that the erection of a new Hospital was the only pro-  
 “ per mean by which such numbers could be duly taken care of  
 “ by us.

“ Therefore we resolved and determined to afford them all the  
 “ aid and assistance which our surgery and circumstances would  
 “ admit of, by laying the foundation of a new Hospital, for curing  
 “ and taking care of such, whose cases in a peculiar and proper  
 “ sense require a surgeon.

“ For this purpose, we concerted to enter into a bond of erec-  
 “ tion, obliging each of us to contribute money and medicines suf-  
 “ ficient to set this good work a-going, and to give our attendance  
 “ *gratis* during our life.

“ Our next step was, to lay our whole scheme before our bre-  
 “ thren at a meeting of the corporation, for their further advice or  
 “ approbation, as well as to invite as many of them as inclined to  
 “ join us.

“ At which time our design was approved of, and they agreed  
 “ to call our house by the name of *The Surgeons Hospital*.

“ As

" As soon as we had projected the erection of an Hospital, it immediately occurred to us, that the erecting a new, or enlarging the old one, might equally serve the same ends: therefore it was expressly stipulated amongst us, that as soon as we should enter into a bond of erection, we should confer with, and make proposals to the Managers of the Infirmary, concerning an union of the two Hospitals.

" Accordingly proposals of this kind were made to them in writing, conferences held for that purpose, a Memorial given in to us by the said Managers, and a Reply to that Memorial was delivered to them by Mr Kennedy our preses, and at that time decision of the Surgeons, upon the 1st Monday of July 1736; to which we have got no answer these eight months.

" This we thought fit to mention, to shew the world our willingness to unite the two Hospitals." *Memo. p. 1.—6.*

" In this place, we think it not improper to take notice, that however much we were convinced of the necessity of this Hospital when first it was projected, yet the short experience we have had since the 1st of July, has set this necessity in a much stronger light than we could possibly have imagined before this trial; for although we have been, by the blessing of God, useful to, and cured many, yet if the rest of the world were to see what numbers we are obliged to dismiss, purely for want of larger funds; were they likewise to see from what slight strains, or inconceivable bruises, incurable diseases arise, when not taken care of timely, they would very much lament our having neglected this piece of charity so long.

" The gain of the most part of servants is but daily subsistence, and few of them can afford to be many days idle; hence it is, that so many of them are made lame and mutilated, not to mention those who die, purely because they could neither afford  
 " themselves



“ themselves proper diet, rest, nor medicine at the beginning of  
 “ the disease, when they might have been speedily and easily cu-  
 “ red; so that in truth, they may be more properly said to derive  
 “ all this misery from want than disease.

“ If no provision is made for the diseased poor, and if they are  
 “ left to linger out a miserable life, without expectation of any  
 “ other relief than death, they are, in some respect, in a worse con-  
 “ dition than the beasts of burden, the proprietor for his own sake  
 “ taking care of them, while the poor mechanic or day-labourer is  
 “ cast out naked and destitute, to struggle with pain, sickness, po-  
 “ verty, and death.” *Mem.* p. 11, 12.

This Memorial concludes with the following pathetic address.

“ *Therefore, Generous Readers,*  
 “ We now call upon you all, by the titles of *Men, Brethren,* and  
 “ *Christians*, to denote our common tie of humanity, and yet nearer  
 “ tie of Christian charity. By what arguments shall we persuade  
 “ you to extend your bounty to a poor Hospital in its infancy?

“ If you value the prayers of those you may restore to health  
 “ and happiness: if pity and compassion, the interest of your coun-  
 “ try, or the approbation of our Saviour, can have influence; come,  
 “ like the good Samaritan, pour wine and oil into, and bind up  
 “ the wounds of your afflicted brethren, by your charity. Ima-  
 “ gine yourselves given up to pains and want like theirs, or rather  
 “ come and see the miseries and untimely deaths which you might  
 “ so easily prevent, (for there is an eloquence in visible distress be-  
 “ yond what can be imagined); and we hope there will be no  
 “ need of other solicitations to dispose all of you to contribute ac-  
 “ cording to the circumstances with which God has blessed you.”

*Mem.* p. 14, 15.

The following extract is taken verbatim from the same pam-  
 phlet, but from another paper in it, entitled, “ *Proposals* from  
 “ the

" the Erectors of the Surgeons Hospital to the Managers of the Infirmary," and subscribed, by the appointment of the Subscribers to the Surgeons Hospital in Edinburgh, by JOHN KENNEDY, Pr.

" GENTLEMEN,

" As we have occasion every day, in the course of our business, to see numbers of sick and distressed poor, who often are equally urged by their diseases and the want of the common necessities of life, which renders them proper objects of the charitable sympathy of every compassionate and tender-hearted Christian; so we think ourselves under the strongest obligations to show our concern for them, by more than a mere saying, *Be thou healed*, or, *Be thou filled*. Therefore, after your laudable example, we are resolved, by the assistance of Almighty God, and the countenance of charitably-inclined people, to give such indigent objects as you cannot receive, and as we shall find ourselves able to maintain, a new opportunity of relief, by erecting, for their entertainment and solace, another *Charity-hospital*, (which we are now about founding), by taking the pious subscriptions of well-disposed persons, in order to establish a revenue for its support; and for which purpose we have likewise contributed our mite, and offer our attendance and necessary medicines *gratis*; and though we humbly conceive, from the nature of the thing, that our design cannot clash with your foundation, nor the one scheme prove prejudicial or hurtful to the other, yet we subject it to your judgments, whether or not, by a coalition, this charity might not become more extensive, and the opportunity thereby given for the improvement of the young gentlemen, students in physic and surgery, be also more general? both which were the original design and intent of many of your contributors, who, to our knowledge, wish that none of these advantages were limit-

H

and we could "ed:



“ ed: and as an inducement for you to accede to this proposal, so  
 “ much for the general benefit of the pious design;

“ *1mo*, We undertake to give our attendance in common with  
 “ the gentlemen Surgeons who have hitherto served the Infirmary,  
 “ and for the six following years, a time somewhat more than equal  
 “ to that already elapsed since your institution; and to furnish at  
 “ our own charges all the medicines that shall be needful, and as  
 “ long afterwards, in conjunction, as it shall please God to spare  
 “ us, and we follow our business in this place.

“ *2do*, And that we shall further be donators to your capital in  
 “ 2000 merks, by which, and the preceding article,  
 “ yearly will be immediately saved; and much more afterwards,  
 “ when you shall think fit to take in a greater number of sick per-  
 “ sons.

“ *3tio*, We shall further endeavour to persuade the Subscribers to  
 “ our fund to allow their donations to be transferred to your stock,  
 “ by which we hope something considerable may likewise accress  
 “ for the further encouragement of so good and religious a de-  
 “ sign.” *App. to Mem. p. 6, 7, 8.*

All this is very good; just the fine head and beautiful neck of  
 the Mermaid: Now for the filthy black tail of the fish, which the  
 malicious and unclassical vulgar of this country would at first view  
 be very apt to mistake for a cloven foot.

“ Are burdens or expence things to be coveted, or do they excite  
 “ envy? Yet this is the inconsistent light in which some people re-  
 “ present our new erection.

“ Had the Surgeons of the Royal Infirmary accused us of this;  
 “ as some would maliciously insinuate, they would have evited this  
 “ absurdity, by ingenuously acknowledging the advantages which  
 “ they reap, and we covet.

“ For

" For instance : They would have owned, that their apprentices  
 " have much better opportunities of learning surgery in an hos-  
 " pital than without it ; and therefore the Masters belonging to an  
 " hospital must necessarily get the first and best offers of apprentices,  
 " and engross the education of almost all who are bred physicians  
 " or surgeons.

" And if the masters are few, their apprentice-fees must rise,  
 " and yet their shops be crowded in proportion ; so that the mas-  
 " ters who were formerly content with L. 50, must now be hired  
 " with L. 100 ; and if they admit few apprentices at a time, they  
 " may raise their price much higher.

" Another perquisite which falls naturally to the surgeons of an  
 " hospital, is,

" That the surgeons who are daily employed about operations  
 " in an hospital, are most likely to be employed every where else :  
 " for who is it that would not rather chuse a man that has daily  
 " practice, than one who seldom has these opportunities, even  
 " though he were his brother ?

" Hence it appears, that the surgeons of an hospital, if few, will  
 " naturally engross the whole business of surgery, in spite of all  
 " the other ties of friendship, alliance, or blood-relation ; and if  
 " they are few, their price, either as masters or surgeons, will rise  
 " in proportion.

" These are real advantages when confined to a few, as they  
 " are in the Infirmary ; but when common to all, as they must be  
 " by our scheme, the whole benefit redounds to the country and  
 " hospital, and not to the surgeons ; for a monopoly made com-  
 " mon, is no longer a benefit to any particular, it is no monopoly.

" If this monopoly had been given to one surgeon (as at first it  
 " was agreed to) and minuted in the books of the Infirmary, and  
 " if the doors of the Infirmary had been kept open to every appren-  
 " tice, the mischief could not possibly have been so great ; because



" one man could not educate all the apprentices, nor serve all the patients, though never so willing, but must necessarily leave to the rest what he could not overtake himself.

" But if an exclusive company of six have this privilege, it will have most pernicious consequences upon the whole nation.

" *First*, Upon all succeeding surgeons.

" *Next*, Upon the gentlemen in the country, especially upon those who have sons to educate in our way.

✕ " Although the present set of surgeons, who are already fixed in business, may not feel the bad effects of this monopoly upon themselves; yet the rising generation, and all who come hereafter, even the present students in the Infirmary, when they set up for themselves, will not be admitted into it, but must toil and slave for a scrimp subsistence, and, with great merit, be content to pass for underlings all their life; and, to heighten the disgrace, they may live to see the greatest Dunce among them received into the Hospital, and thereby run away with undeserved fame.

✕ " In the *second* place, Although the business of surgery will become less lucrative every year to all, except the masters of the Infirmary; yet, at the same time, the apprentice-fees with the surgeons in this single Hospital will rise every year, i. e. the value of the business will decrease, and the expence of good education encrease, especially in Edinburgh.

✕ " Who, for instance, will think of buying his freedom in Edinburgh at a high price, for the small chance he has of being one of six who get a name by attending this Hospital?

✕ " Thus the freedom of this city will be justly despised, and the number of surgeons lessened, and men of genius discouraged from settling in this place.

✕ " It cannot fail, we think, to affect some of the donors to the Infirmary very sensibly, to see that, by their donations, a monopoly

" is established, very prejudicial to themselves, their children, and country.

" Suppose, for instance, a generous donor has given L. 50 to the Royal Infirmary, because he thought it would not only relieve the diseased poor, but likewise be of great use in the education of physicians and surgeons.

" Afterwards, this bountiful patron offers his son as an apprentice to one of the surgeons of the Royal Infirmary, but finds the apprentice-fee L. 50 *per cent.* more than before, and that by his own means.

" The *next* reflection which naturally occurs to such a beneficent mind, is, that this is a trifle to me, but I'm sorry to think what a heavy tax it will be to great numbers who have sons to dispose of this way: I'm sorry I did not foresee and endeavour to prevent a monopoly of this nature in time.

" In the *next* place, Most of the gentlemen in the country will suffer by it: for, when any thing extraordinary happens, surgeons must be sent for from the Hospital in Edinburgh, at a most exorbitant price, when perhaps the case will admit of no delay, or the surgeon here may not be at leisure to go.

" These are but a few hints of the many bad effects of an exclusive company of surgeons."

I hope it will be admitted, that this is a complete and authentic explanation of what is meant by *preserving an equality amongst the surgeons of Edinburgh*, and a good illustration of that warm universal charity, and glowing brotherly love, and that superabundant zeal to serve the sick poor, and themselves, which led them to incur the expence, and undertake the trouble of an additional new Hospital of their own, *after* this Hospital was established, and *not before*; and not to give their aid and their stock to increase the funds and extend the benefits of this Infirmary, till they could make



make a bargain with the Managers to secure their own corporation and personal interest when they did so.

From the perusal of that wonderful Memorial, it is evident that this was done without the least regard, or pretended regard, to the good of the sick poor in the Hospital, whose safety, relief, and welfare, ought certainly to have been the *first* and *supreme* consideration both with the Managers and with the Surgeons who so charitably insisted on being allowed to take care of them.

It is very striking, and, if it were not disgusting and shocking, it would be entertaining and ludicrous, to observe, that in all that pious, and charitable, and generous, and most Christian altercation, about who should have the care of the sick poor in the Hospital, all consideration of what is good for *them* is as much out of the question, as the due care and accommodation, in point of board and lodging, of the rats and mice who might gain admission into the Infirmary, and choose to fix their quarters in it.

From the glaring incongruities in their Memorial and its Appendix, already quoted, it is plain that the Founders of the Surgeons Hospital were not at all scrupulous in what they advanced, and that they relied very much on the stupidity and *cullibility* of the good people of Edinburgh, when they presumed to hazard such inconsistent pretensions and arguments to enforce their claim. But I presume it must have surpassed all power of the human face to have asserted, that the indiscriminate attendance of all the surgeons in Edinburgh by rotation could be *good* for the sick poor in the Infirmary, at the very time when they were urging most strongly and justly the vast improvement and superiority which a few surgeons permanently appointed to attend in the Hospital would soon acquire over their professional brethren.

The nearest approach, so far as I know, that they ever made to that absurdity, was in the following curious passage of their Appendix

pendix to their Memorial; from the tenor of which, it is plain they knew what a dangerous two-edged sword they were handling, and how easily it might be turned against themselves; for, of their own accord, they suggest a kind of remedy or antidote, for the evil which they proposed to do; or, as they are pleased very gently to call it, the *inconveniencies to the Hospital*. The suggesting of such an antidote is an acknowledgment of the evil and danger of the proposal to which it is subjoined. And surely, without any suspicion of flattery to them, we may be allowed to suppose, that they had good sense enough to know that it would have been much easier, and surer, and better for the sick poor in the Hospital, whatever it might have been for their corporation, to have established at once a simple and rational system, such as is adopted in other places, and at that very time was followed here, which, having no such inconvenience or danger, required no such remedy or antidote.

“ And as one good effect proposed by the *Infirmaries*, was the improvement of medicine and surgery, we thought, by admitting the whole corporation, it might add to the experience of those younger members who are entering among us every year.

“ If any of the corporation had little experience, as it must be the case with all of us at the beginning of our practice, we thought it absurd that these should be secluded from opportunities of further improvement in an hospital, purely because they would be the better of more experience.

“ And, to prevent all inconveniencies to the Hospital from this quarter, we agreed that two of us should always attend the Hospital together, an old and a younger surgeon, that one of much experience might assist one of less.” *App. to Mem. p. 5.*

It can scarce be necessary to point out that their chief argument here, that they “ *thought it absurd that these (young surgeons)* “ *should*



"*should be secluded from opportunities of further improvement in an hospital, purely because they would be the better of more experience,*" is a wilful and gross misrepresentation of a very plain and undeniably valid argument.

When a proper selection is made of a sufficient number of the most skilful surgeons to take care of the sick poor in an hospital, the others are not excluded from opportunities of further improvement in it *purely because they would be the better of more experience,* but not in the least for that reason, and *purely because the poor patients would be much the worse for being treated by less skilful and less experienced surgeons, and much the better for having the care and attendance of the most skilful and most experienced that could be got for them;* just as is the case with other patients, not poor, and not in an hospital, and not at the mercy of any set of men, who piously, and charitably, and out of pure brotherly love, would make a traffic of their misery.

To those who are learning the arts of physic and surgery, the improvement that may fairly be derived from a well conducted hospital is great beyond all calculation. But this ought to consist in their having opportunities of seeing and learning the practice of the most skilful, intelligent, and experienced physicians and surgeons.

Whatever is best for the patients, it is best for the students to learn. Whatever is learned, or whatever real or supposed improvement is acquired, at the *expense* of the poor patients, I mean by any *unnecessary suffering, or danger, or harm to them, is injustice and cruelty,* instead of *charity, benevolence, and brotherly love to the sufferers;* it is a breach of trust in those who do it, or permit it; it is an outrage on human nature.

Another of the arguments in the passage last quoted from the Appendix to the Surgeons Memorial deserves peculiar attention, not on account of misrepresentation, or any kind of dissingenuity in it, but

but as a good specimen of the reasoning powers of those who made use of it, or rather as a proof how much their furious zeal for their own pecuniary interest had blinded them to every other consideration. For surely the authors of that wonderful Memorial must have had the common faculties of mankind; but their passion in the conduct of their argument hurried them every moment into inconsistencies and absurdities.

They point out *strongly* to their younger brethren, especially to the rising generation and the students, that "when they set up for themselves, they will not be admitted into the Infirmary, but must toil and slave for a scrimp subsistence, and, with great merit, be content to pass for underlings all their life; and, to heighten the disgrace, they may live to see the greatest Dunce among them received into the Hospital, and thereby run away with undeserved fame."

This would be indeed a lamentable case; but let us consider first the probability of its ever happening, and next, what the consequences would be if it really did happen.

That the Managers *might* appoint the greatest Dunce among the surgeons of Edinburgh to be Surgeon, or one of the Surgeons to the Royal Infirmary, is undeniable: just as they *might* purchase for the use of the patients unwholesome food, or bad medicines, or poison instead of food or physic. But that in fact they ever *should* do any of these things, all of which are contrary to their interest, their honour, their duty, to their solemn oath *de fide*, and to every consideration of reason, justice, and humanity, without the possibility of any rational or honourable motive for such an infamous breach of trust, appears to me so *improbable*, that it may fairly be pronounced infinity to one, that none of those things would be done by the Managers before the day of judgment.

But supposing, what is barely possible, but withal so improbable as to be absolutely incredible, that the Managers should have the



sagacity to discover the greatest Dunce among the surgeons, and the wisdom to appoint him Surgeon to the Infirmary, the dismal consequence so pathetically foretold in the Memorial, *never could* follow from it. He *never could*, in that situation, run away with undeserved fame. On the contrary, if he had contrived to acquire any undeserved fame before, it would soon run away from him.

If the authors of that Memorial had ever seen an Ape, or even heard of the remark commonly made on that mischievous brute, they would have known, that the higher he climbs the more he shews his breech. The case is nearly the same with a Dunce of a physician or a surgeon who is appointed to attend in a great hospital; his ignorance and incapacity must soon become publicly and indisputably known. Of all situations to which his profession may lead him, an hospital is the worst for such a Dunce; who in private practice might long have escaped detection, and enjoyed undeserved riches and honour: and of all the hospitals I ever saw or heard of, this Infirmary is the worst for such a Dunce, by reason of its intimate connection with the great medical school in Edinburgh, the students of which, to the number of 200 or more, every year attend it, and are very able and very willing, and have always been encouraged, and never needed to be encouraged, by the professors, to judge for themselves, and to draw inferences from what they see. These judgments and inferences, to my certain knowledge, they are accustomed to express with such freedom as would effectually prevent any Dunce from acquiring undeserved fame; and probably would soon be ruinous to any Dunce who should presume to act permanently as Physician or Surgeon to the Infirmary.

But this is the smallest part of the monstrous absurdity involved in that pathetic argument which I am considering. The authors of it, in their great eagerness to secure their own interest, overlooked the most obvious consideration, that by their own system, which they were labouring to establish, and soon afterwards got establish-

ed,

ed, the greatest Duncce among them, without putting the Managers to the trouble of finding him out, or the disgrace of appointing him, would, in his turn, be Surgeon to the Hospital for a certain time. And if there should happen to be two or three, or five or ten Dunces among the surgeons, the Hospital must have the full benefit of them all; not only of the greatest Duncce among them, but of the second and third, and fifth and tenth greatest Duncce of their number. In short, instead of the *immeasurably and inconceivably small chance* of the Managers for once appointing the greatest Duncce among them to be Surgeon to the Hospital, they take the *absolute certainty* of that greatest Duncce, and all the smaller Dunces, being Surgeons to the Hospital in their turn, from generation to generation. This, to the poor patients who chance to be in the Hospital during the reign of Duncce the greatest, and of all the Dunces, is just as bad as if none but Dunces had been allowed to practise in it. This undeniable state of the case, for it scarce deserves to be called a consequence of the pernicious system at that time contended for by the surgeons, and soon after established by their compact with the Managers, is of itself complete evidence that the good of the poor sick was altogether out of the question.

What the real object of the Surgeons Subscribers to the Surgeons Hospital was, in their keen altercation with the Managers of this Infirmary, must be equally evident: for none of them surely can be supposed so ignorant or so stupid as to have believed, that attending in this Hospital by rotation, for a month or two at a time, once in two, or three, or four years, would give to all or any of them that high improvement, and skill, and dexterity, which permanent attendance in it for several years together, and the daily practice of operations, would have given to a few of them.

I doubt whether there ever was in this world, or ever can be, a more direct, avowed, and disgraceful opposition, between the interests, real or supposed, of a corporation, and the interests and



the rights of humanity. For that very great superiority in a few of the profession, which the rest of them, or the corporation, so much dreaded, was just what the public in general, and especially the Managers of the Infirmary, ought most to have wished for; and just what the Managers, and the sick poor in the Hospital, had an interest and a *right* to obtain in their attending surgeons, if it *could* be procured. Unquestionably it is one of the "*things that may best conduce to the charitable end and purpose*" for which this Hospital was established. It is one of the important advantages, which in a great measure compensate the disadvantages, or at least the unpleasant circumstances, which must of necessity occur even in the best managed Hospitals.

But instead of that kind of surgical assistance which might *best conduce* to their relief or cure, the sick poor in the Hospital, even by the general tenor of the bargain with the surgeons, were to have an equal share of what might *best conduce* and what might *worst conduce* to that charitable end and purpose. More accurately, and more intelligibly, as many of the individuals admitted into the Hospital from Christian charity, and pity to their poverty, sickness, and wretchedness, were to receive the latter as the former kind of assistance. For it must be observed, that the choice of the Managers, by the law of the land, is limited to the members of the two Colleges respectively. None can lawfully practise physic in Edinburgh but members of the Royal College of Physicians; or surgery, but those of the Royal College of Surgeons: and a more ample range for choice, if choice were allowed, could not be desired.

But by the interpretation put upon that bargain, and the manner in which the surgeons have acted, it is found by experience, that the Hospital, or rather the individual patients have not an equal share or an equal chance of that assistance in point of surgery, which is most to be wished for, as what would *best conduce* to their welfare; but a very large proportion of that assistance which is least

to be wished for : so very little to be wished for, that in a well regulated hospital there should be *none* of it ; or, if this cannot be perfectly accomplished, so little of it that it shall hardly be known. This may be attained, and actually has been attained in some of the great London Hospitals, the most esteemed for surgery, by the simple and rational expedient, of appointing a few young men assistants to the principal attending and operating surgeons, by whom they are to be gradually trained and initiated in every part of their practice, under whose inspection and controul they are to begin by performing first the simplest and easiest operations, and afterwards, as they improve in manual dexterity, and all other requisite accomplishments, to proceed to the more complicated, difficult, and dangerous operations. On this plan, so different from the one unfortunately established in this Infirmary, a young and inexperienced surgeon never can have the charge of the patients even for a day ; nor can such a surgeon find himself obliged, perhaps the very day when he first attempts to operate, to perform some of the most difficult and dangerous operations.

There can be no doubt that this plan, diametrically opposite to that one which the Royal Infirmary has long endured, is the best that *has yet been contrived*, perhaps the best that *can be contrived*, for the sick poor in an hospital. It gives them every possible chance of what *may best conduce* to their relief or cure, with the least possible chance of what might be in any degree inconsistent with *that charitable end and purpose*.

Too many odious distinctions, I well know, have been made between the rich and the poor, even in those calamitous circumstances of pain and sickness, which, being common to all, might teach them, that " all are men, condemned alike to groan." But the worst distinction of that kind which I have ever known, appears in the case before us. I dare not trust myself to consider, fully and seriously, all that is implied in the rich so charitably bestowing



stowing on the poor a double or a ten-fold portion of that assistance which they do not choose to take to themselves.

The celebrated *John of Gaddesden*, one of the great luminaries of the dark ages, and the first Englishman who had the honour of being employed at Court as a physician, whose consummate impudence and singular drollery have procured him some readers even in the present age, notwithstanding his almost illegible black letter, and almost unintelligible crabbed barbarous Latin, was particularly attentive to that distinction between rich and poor patients. He tells us of one medicine so good, that it was only proper for the rich; and of several of his favourite medicines he directs a double dose for the rich, "*Duplum sit, si pro divite.*" This prerogative of the rich, I presume, even the beggars at their doors will hardly envy them; and we can laugh at the ludicrous absurdity of such a proposal. But it is impossible to laugh at the proposal, or at the practice, of bestowing on the sick poor in the Hospital a superfluity of that kind of assistance which the rich reject for themselves when they are sick, and could not without horror think of having employed on themselves or their families. Is it in any respect less horrible when employed on the poor?

I do not believe the Managers could justly or legally have made such a bargain, hurtful to the sick poor immediately entrusted to their care, even though they had been sure of thereby doing a great service to the public at large. We are not permitted to do evil that good may come of it; nor to do evil to a few for the sake of good to many; nor to procure any benefit to the rich who are not entrusted to our care, at the expence of the poor and unhappy who are entrusted to our care.

But this point it is needless to discuss; for there is no opposition between the public good, with respect to rich and poor indiscriminately who are not in the Hospital, and the particular good of the sick

sick poor in the Hospital. What is best for these, is best also for the public at large.

The interest of both is the same, and consists in these two circumstances; *first*, That there shall be a sufficient number of physicians and surgeons to do all their respective professional duties which may be needed in the place where they practise; *secondly*, That these shall be as well qualified as possible in respect of knowledge, experience, and manual dexterity; so that when their aid is required, they shall do their duty as well as it can be done.

I can conceive no other right, nor even any other rational wish, either on the part of the Hospital or of the public. To wish to have their medical assistants as highly qualified as possible, is obviously just and rational. But to wish for a great many more physicians and surgeons, even the best qualified, than they really have occasion for, appears to me just as foolish as it would be to insist on taking twice or thrice as many vomits and purges, or to wish to undergo twice or thrice as many trepannings, amputations, and tooth-drawings, as are really necessary for them.

The superfluous number of such physicians and surgeons, however good of their respective kinds, would be at least useless, perhaps worse; yet I should not wish to limit too strictly the number of them which might practise in any place with real advantage to the public. It certainly ought not to be confined to so small a number as would just be sufficient to do all the business, supposing all of them to be equally and pretty fully employed. It would certainly be of advantage to the public that there should be several more, not only to guard against the possible accidents of absence, sickness, or death, of some of the Faculty, perhaps at the very time when they were most wanted; but for another more general and more important reason, I mean that they may keep one another in good order.

This



This consideration Mess. Kennedy and Co. who certainly were very competent judges of it, in so far as their profession is concerned, have expressed without much reserve in the passage last quoted from their Memorial, (page 57. line 10.—20. of this paper). I fear the case is little better with Physicians than with Surgeons in that respect. At least the fact is so common, and has so often been taken notice of, as to render unnecessary all reserve in mentioning it, that many Physicians, when they get so well established in their profession, as to take it into their heads that people can neither live nor die without their help, become lazy, careless, insolent, and rapacious: just the contrary in every respect of what they were when they first began to practise. This has often happened, notwithstanding the strong check of many of their less fortunate and perhaps not less able or deserving professional brethren.

What such men would be if there were no such restraint upon them, I have not imagination enough to conceive exactly; but no doubt something very bad, perhaps quite intolerable. For the preventing of such a grievance, I should think it perfectly right, that in every town there should be many more physicians and surgeons than are really necessary to do their professional business in it; perhaps even twice as many as could earn a comfortable subsistence by their trade, if the business were equally divided among them.

Yet, even for this most salutary or necessary purpose, an infinite number of the Faculty cannot be needed; for a very moderate number would be perfectly sufficient.

If in a great town there were professional work enough for ten physicians and as many surgeons, it might be proper, for the good of the public, not for the interest of the Faculty, to have twenty of each profession striving for a share of the business. But it would be no advantage to the public, any more than to the Faculty,

culty, to have *two hundred*, or *one hundred*, or even *forty* of them established in such a town. It is plain, on these several suppositions, that nine tenths, or four fifths, or one half of them, would be useless and burdensome to the public, and to themselves.

Physicians and Surgeons are by no means on the same footing, in point of political economy, with corn and cattle; a superfluity of which, in the course of nature, is soon converted into an additional number of men and women, to the most essential benefit of the state. They cannot even be applied to various uses, like a superfluous quantity of wool, and flax, and iron, and other raw materials used in manufactures; nor can they be exported and bartered in the way of trade for other valuable articles, like a superabundance of highly-manufactured goods, beyond what their own country can consume.

The superfluous physicians and surgeons are absolutely useless and helpless; they cannot even make work for themselves, like Attornies. This right belongs exclusively to those worthy members of our Faculty, who fairly mount the stage, or advertise in the newspapers.

It must not be inferred from these observations, that I am in any degree tainted with that heresy which teaches that physicians and surgeons are at best but necessary evils; and that the less people have to do with us, the better for them. I am strongly interested, by my profession and station, to maintain the good orthodox faith, that we are positively good things; or superlatively very good things: just like the remedies which we employ: for example, Blisters. But then I think every candid and intelligent person must own that people may have enough of the very best things. If the good people of Edinburgh, in the Hospital and out of it, need annually 10,000 Blisters for the benefit of their health, it is very fit that such a number of blisters should be prepared for their use. It may even be right to have double that number at all times



ready at their service, in order that the dealers in that precious commodity may not raise the price of it too much on the public.

But I cannot for my heart conceive that it should be any advantage, either to the public or to the dealers, to have four or five times that number always ready spread, and fit for immediate use. And we should not easily find words to express our amazement, if it were seriously proposed, out of pure Christian charity and brotherly love, or partly from these considerations, partly for the benefit of the dealers, to send the superfluous Blisters to the Royal Infirmary, and actually to clap them on the backs of the sick poor in it, by virtue of a perpetual contract.

I doubt whether it would be much better, and I can easily conceive that it might be much worse, for the sick poor in the Hospital, to be faddled with a superfluous number of surgeons to take care of them: as Messrs. Kennedy and Co. have very properly expressed it, purely because those surgeons would be the better for more experience. No person who knows me, I am sure, will ever suspect me of undue partiality to blisters, or indeed to any medicines, especially if they are to be employed on my own person: yet I solemnly declare, that if I were a patient in the Hospital, and were obliged to take my choice of one or other of the two evils, I should, without the smallest hesitation, take my share of the superfluity of Blisters, rather than of the superfluity of such Surgeons or such Physicians.

As to the ultimate great object, so openly avowed, and so fully illustrated by the surgeons in their papers, "*to preserve an equality amongst the Surgeons of Edinburgh*," I must observe, in the first place, that there seems to be a great impropriety, and even some incongruity, in the very notion of an attempt to *preserve* what *never existed*; and, I may add, what, from the nature of things, *never can exist* by any artificial contrivance whatever.

An

An equality can no more be produced or preserved among the surgeons of Edinburgh, than among the lawyers and physicians, the painters and fiddlers, the grocers and tailors, respectively. For, according to the various talents which men possess by nature, and the no less various uses which they make of their natural talents in point of application and active exertion, some in every profession will deservedly attain great eminence, and others will remain in obscurity all their lives.

The admission to attend promiscuously in the Hospital for short periods by rotation, could never counteract the fundamental principles of human nature, or make men equal in talents, and knowledge, and skill, and merit, whom God hath made unequal. On the contrary, it would make that inequality more apparent and indisputable, and more generally known to the public.

On the most favourable supposition that can be made with respect to it, a supposition which is absolutely incredible, that all the surgeons who attended in the Infirmary by rotation were equally capable of profiting by their attendance in it, and did in fact acquire equal improvement by their practice on the sick poor in the Hospital; supposing further, what is at least as incredible, that this improvement is not acquired at the *expence* of the sick poor, or by any injury or harm to them; in other words, that the practice of those beginning to practise for the sake of improvement is as good as it will ever be, and *bona fide* as good for the patients as the best that could be got for them: still this will neither produce nor preserve an equality among the surgeons with respect to the lucrative practice of their profession, which in their Memorial they have so fully explained to be their great object in the long struggle, and the bargain which they made, with our predecessors in this trust.

The utmost good they could be supposed to get, one and all, by that kind of attendance in the course of their lives, would be no



more than what any one of them would have acquired by one or two years permanent attendance in an hospital, at the age of two or three and twenty; probably (for the reasons already stated) not near so much. But if this good were equal in all of them, it would no more produce or preserve an equality among the surgeons of Edinburgh, than their having all the same number of heads, and fingers, and thumbs could do.

The present members of the College of Surgeons, after full sixty years experience of the bargain in question, must know much better than their predecessors could do, and much better than I do, how little it has conducted, or at this time conduces, to preserve an equality amongst them. I never presumed, having no right or interest in it, to enquire minutely into that matter; but from all that I have chanced to see or hear of them in the last thirty years of my life, I firmly believe the inequality among the surgeons has uniformly been, and is at present, in every respect, as great as it is among the lawyers, physicians, and dancing-masters. I firmly believe it ever will continue so; and that it ought to be so, for the good of the public.

I will even go one step further, and tell them, what they will think a very strange paradox, but which nevertheless may be *demonstrated* as certainly as any proposition in *Euclid*, that if by their bargain with the Managers of the Infirmary, or by any compact among themselves, they should contrive to produce and preserve a perfect equality among all the surgeons of Edinburgh, it would instantly be found *disgraceful*, and very soon would be *ruinous* to them: in less than a twelvemonth, they (at least all the men of talents and merit among them) would most cordially wish the compact and the authors of it at the Devil: no man of genius, or spirit, or ambition, or liberal education, sentiments, or manners, would become a member of their corporation: no man of genius, and well-deserved eminence in his profession, would continue to practise

tise furgery in Edinburgh ; he would either retire from business altogether, if he had acquired a competency to live upon ; or, if not, he would go to seek his fortune by the practice of his profession in some other place, where his talents and his exertions might be more justly appretiated and better rewarded. The loss which the Royal College of Surgeons would thus sustain, as to the quality of its members, would soon be amply compensated, at least as far as it could be compensated, by the quantity of them. Their number would soon increase rapidly, by the addition of all who had the requisite qualifications, and so little activity, or spirit, or honourable ambition, as to be contented for life with the miserable pittance and degrading situation which such a system of equality would insure to them. Surgery in Edinburgh would soon cease to be a learned or a liberal profession. Those who practised it would not be ranked in public estimation with physicians, or merchants, or lawyers ; nor would any of them be known and esteemed as the authors of learned, scientific, and useful works on anatomy, chemistry, phyfic, or furgery. I doubt whether the literary labours of any of them would extend farther than the composition of a hand-bill, or a newspaper advertisement, to recommend a *pilula salutaris*, or a vegetable syrup, for the cure of the fashionable distemper. In one short sentence, by such a system of equality, the Surgeons of Edinburgh would soon become Barber again.

Nor are any of these propositions doubtful, strange as they may at first sight appear ; nor can the proof of them be difficult to any person who has acquired competent knowledge of mankind, however little he may be acquainted with phyfic or furgery.

The great general principle on which they all depend is, that, in this world, though they that run, run all ; yet but one obtains the prize. We have good reason to believe, that in another and a better world this matter will be ordered better ; and that furgeons, and all men, will be amply and equally rewarded, according to their merits.



merits. But in this world we must be content with that order which it has pleased God to establish in it; and in the discharge of the duties of our several stations, we must endeavour to make the best of it.

The good of it is obvious. The stupidest fellow that ever went to see a race, or any other competition, must understand, that if the prize were to be equally divided among all who chose to start for it, there would be but a scurvy race. There could be no emulation; there probably would be no exertion, no training, no improvement, and little or no merit in those who would have no occasion to contend, as they would be sure of an equal share of the prize without any trouble on their part; and equally sure that they could get no more than that share of it, whatever trouble they might take.

Every profession is in this respect a competition or a race; and well it is for mankind that it is so: for it is not the certainty of an equal share of the prize, but the wish for a very large share of it, eminence, wealth, and honour, that can rouse to activity, to laborious and persevering exertions, and ultimately to that high improvement of a few individuals, which makes them and their professions respectable, and useful to mankind.

Of the many bitter sarcasms which I have heard of on my own profession and professional brethren, one of the severest I think was that of *Dr Garth*, on his deathbed; when one of his friends, who thought he had repeatedly owed his life to the care and skill of the Doctor, came to see him, sorry to lose his friend and physician, yet anxious to ask him what physician he would advise him to send for, if he should again be taken ill, "*Send for the nearest*," said *Dr Garth*.

No person can be so stupid as not to perceive the severity of that contemptuous estimate of the real and comparative merits of physicians, or seriously to wish that a perfect equality were established

blished among physicians and surgeons respectively, so that in case of need; he might call a physician or a surgeon, without knowing his character, or even his name; just as he might call a porter or a hackney-coach, without enquiring the name of the porter or the character of the coachman.

If it were possible, which it certainly is not by any human power, to produce and preserve among physicians and surgeons respectively an equality in point of professional skill, and merit, and reputation, and employment, as perfect as in the common but necessary accomplishments of reading and writing, and as inviolable as the equality among the Brethren in a Mason-lodge, with respect to brotherly love, and knowledge of the mysteries of masonry, I do not see any thing that the public could gain by the establishment of such a system; and I see clearly that the public must lose the two most valuable considerations which can be supposed or wished for in physicians or surgeons.

In the first place, there would instantly be an end of that great and constant employment of a few individuals of each profession, which gives them the highest degree of improvement, and skill, and reputation, as well as of that high reputation and skill which procures to a few individuals so large a share of employment, and such high improvement and superior skill.—It is the combination and mutual influence of these two considerations which so generally produces for some time the gradually increasing, and afterwards the wonderfully uniform, professional income of a well-employed lawyer, physician, or surgeon; although the particulars which constitute his annual income are infinitely various, and depend upon numberless contingent circumstances. But that uniformity to which I allude is the result of just reasoning, or at least of accurate observation, and shrewd common sense, in the bulk of mankind, with respect both to the causes and the effects of very high reputation, and great employment, in professional men.

In



In the second place, there would be an end of that honourable ambition and emulation, and that rational wish and hope for professional eminence, which makes the high reputation and employment of a few of the profession a strong motive to exertion, and consequently a great source of improvement, in all the rest; or at least in all of them who are capable of improvement.

In both these important respects, the present natural system of inequality appears to me infinitely better for mankind than any system of equality that can be contrived; and so much and so obviously better for the surgeons themselves, both individually and collectively, that I must take the liberty to say, I do not believe that the surgeons, who used that argument and explained it so fully in their printed Memorial, even when most blinded by their passion, ever seriously wished or intended it. I conceive that they employed that argument only as a kind of stalking-horse or mask, just as they did the vile hypocritical cant of piety, Christian charity, and brotherly love; when their real motives plainly were, envy, hatred, and malice, and all uncharitableness. Such conduct cannot be too severely reprobated; were it only for this reason, that it often brings unjust suspicion and reproach on the very name of Religion and Virtue.

If any person conceives that I do them injustice in this remark, let him say whether he thinks they could have been so stupid as not to perceive, or so mad as to wish for, the following obvious necessary consequences of *preserving an equality amongst the Surgeons of Edinburgh.*

These necessary consequences, which I am now to point out, being little else than a kind of easy arithmetical calculation, may fairly be stated with all the certainty and confidence of mathematical reasoning. If there be any error in them, it may easily be shewn, and there can be no dispute about it: if no error can be shewn in them, they must be admitted as undeniable.

Considering

Considering the *present* state of the distribution of the practice of surgery in this city, as not only the best known, but the most interesting to all concerned in this discussion, I shall take it as the subject of the calculations, and the supposed experiment of introducing and preserving a system of equality, as fully explained by the surgeons themselves in their Memorial.

The most striking and indisputable fact with respect to the distribution of the practice of surgery in Edinburgh at present, as well as formerly, and, I believe, in all other great towns, at all times, is, that it is very unequal, some of the profession having a great deal more business than they can manage with ease or comfort to themselves, and many more of them having a great deal less.

For the reasons already mentioned, there can be no doubt that there would be a great, though perhaps not quite so great an inequality among the surgeons as to reputation and employment, if there were no more of them in Edinburgh than what would be sufficient to do the business, supposing them all to be equally and pretty fully employed, and all of them, to the number perhaps of ten or twenty, to earn a very comfortable subsistence by their profession. Even on this supposition, of a much smaller number of candidates for public favour and practice, the higher reputation and greater merit, real or supposed, of some of them would make these be oppressed and harassed with business of the most lucrative kind, and procure to them great affluence. Of course, some of their professional brethren would have less than their equal share of business, and a still smaller proportion of the most lucrative employment.

But this inequality is made still greater, by there being in Edinburgh many more surgeons than would be sufficient to do all the business; at least twice, or, as I have been informed by some of the profession, three or four times as many as are really wanted. The disproportion between the number actually practising, and the



number actually requisite for the business to be done, is much greater among the physicians, and still greater among the lawyers.

The result with respect to the surgeons at present is, that some of them are perpetually rolling about the streets on four wheels, while three or four times as many of them walk about the streets on their two hinder legs in true primitive simplicity.

Now let us suppose the system of equality, in reputation, practice, and professional emoluments, established among them in all its vigour and purity. I see clearly that it must instantly put an end to that odious, most unbrotherly, and antichristian distinction between the many who walk on foot and the few who roll in their chariots. But I cannot see what better any individual can be for that. Those who at present keep their chariots must ever after go a-foot; but those who at present go a-foot would never after keep their chariots.

As little will the public, I mean especially their patients, gain by such a system. When a man is to be cut for the stone, it is of little or no moment to him whether the operator come to his house on foot or in a gilded chariot. I should rather think it might be some comfort to the patient, in those anxious and fearful moments, to know that his surgeon has had such extensive and successful practice that he can afford to keep such a chariot.

But let us suppose the practice and the emoluments of it equally divided among all the surgeons of Edinburgh, it is self-evident that this would not make the practice or the emoluments of it greater than they were before. There would be no more fractures, simple or compound; no more dislocations, trepannings, tooth-drawings, or cuttings for the stone; no more wounds or ulcers, claps or poxes; no more diseases of any kind; and though last, not least in consideration, there would be no more guineas paid annually to the Members of the Royal College of Surgeons.

If the business to be done is such, as, if equally divided, might easily be done by *ten* surgeons, all of whom would be pretty fully employed; which supposition, as I have been told by some of their own number, is very near the truth: and if the emoluments of it equally divided among the *ten* would give to each of them an income of L. 1000 a-year; which perhaps is not far from the truth: then, if the practice and the profits were equally divided among *twenty* surgeons, each of them would have but half the business that each of the *ten* had, and only L. 500 a-year. If the equal division were made among *forty* surgeons, each of these would have but L. 250 a-year, and but one fourth of the employment, and consequently but one fourth of that improvement acquired by practice that each of the *ten* would have had.

Even at this state of equal division of employment, experience, and professional income among the Surgeons, I apprehend the public would have much less confidence in their skill, and much less respect for their profession than at present; especially as none of them could roll about in their chariots, and as several of those most highly esteemed, would either renounce their profession altogether, or withdraw from Edinburgh to practise somewhere else.

But the equal division of practice and emolument among them would not stop at that period. Even L. 250 a-year, though perhaps scarce the tenth part of what some of them have made, and many of them expect, and all of them would wish to make, would be great affluence to many hundreds regularly bred to surgery, and well-instructed in it, perfectly able to undergo the examination of the College, and really as well qualified to practise their art as the present members of it. The certainty of obtaining at once, and with ease, in Edinburgh, a better income than they had even a chance of obtaining in their former situations by their most laborious exertions in the whole course of their lives, would bring numbers of them every year to settle in Edinburgh.



On this obvious and undeniable principle, the number of surgeons in Edinburgh, all of them sharing equally the emoluments of their practice, would soon be so great, that the income of each would be reduced to much less than what I have hitherto stated: certainly to *less* than the very slender income for which many young men of good talents, regularly bred to surgery, well qualified to practise it, and to become members of the Royal College of Surgeons, cheerfully serve as surgeons mates in the navy, or perhaps in situations still more dangerous, more toilsome, and less profitable; compared to which, the life of a surgeon in Edinburgh, with an income of L. 100, or even L. 50 a-year, to which it would infallibly be reduced by the plan supposed, might be reckoned ease, and comfort, and affluence.

All these things are just as plain, as that a guinea may be easily changed into one-and-twenty shillings, or into two hundred and fifty-two pence; but cannot be changed into two hundred and fifty-two, nor even into one-and-twenty guineas. But there is yet another consideration which in this case ought to be attended to, and though not just of mathematical certainty, like the preceding, is yet so plain and obvious, that no man of sense will dispute it.

As soon as the number of surgeons in Edinburgh was much increased, and the income of all of them made equal and very small, by the plan supposed, they would be less highly esteemed, and their services would be much less highly paid than they are at present. This is just what has long been the case, and is the case at this day in many other countries, in which surgery is not esteemed a liberal profession. On this principle, the sum earned annually by the whole fraternity would soon be much lessened, and the miserable pittance of each individual sharing of it equally, would be lessened in proportion. In a few years, not one of them would be able to live in a genteel, or what at present they think a decent

decent and comfortable manner, nor would any of them be admitted into the company of gentlemen.

The high estimation of what are called the learned and liberal professions, and the very liberal payment of the services of those who have attained eminence in them, depend very much on the general and just belief, that great or even equal proficiency in them cannot be acquired by every man who may choose to undertake them; and that great eminence in them cannot be acquired without superior talents, and persevering application and study.

Of all the professions I ever heard of, surgery itself, I think, affords the best example and illustration of that principle, and of the consequences proceeding from it. In this country, as in every other country in Europe, or, I believe, in the world, surgery for many ages was not regarded as a learned or a liberal profession. The Surgeons were, and in most parts of Europe to this day are, ignominiously classed with the common Barbers. Within these 200 years they have in this country raised their profession to very high and just estimation; in which I hope, for their sake, and still more for the good of mankind, it shall ever continue. But this happy change was not produced, nor could it ever have been produced, by preserving an equality among the barber-surgeons, but quite the contrary; by the very superior skill and improvement of a few of their number, which made themselves and their profession respectable, and I hope will always do so. One of the first good effects of it was the separation of the Surgeons from the Barbers. The common way of stating this (as a kind of joke on the Surgeons) is, that the Barbers insisted on separating from *them*. I can well conceive that this may be true, but on a different principle from the one insinuated. When a few men of merit as surgeons rose to eminence, and were esteemed as gentlemen of a liberal profession, their society and conversation could not be agreeable to the plain barbers. But if the Surgeons should contrive to establish  
among



among themselves a perfect equality, so that it should be indifferent to any person who needed the help of a surgeon which of them he sent for, and that a stranger coming to Edinburgh to undergo a capital operation might call for a Surgeon, just as he would call for a Barber if he wanted to be shaved, I dare say the Barbers would soon be prevailed on to admit the Surgeons into their company again.

I do not scruple to say, that I am convinced the surgeons who published the Memorial in question, knew that an equality among their brethren was impossible; and that, if it were possible, it would be ruinous and disgraceful to them. If not, we may consider their Memorial and its consequences as one of the most striking examples that ever occurred of how very short-sighted men are, even where they are supposed to see the clearest and the farthest: I mean where their own interest is concerned. For if their Memorial, and their consequent bargain with the Managers of this Hospital, had really had that effect which the surgeons professed to wish, it would have been the greatest evil that could have befallen them.

It is of no consequence now to know what the surgeons thought on this point, or what degree of good faith there was in their Memorial, more than sixty years ago. But it is of some importance in this discussion to know, whether the surgeons at present have any wish to preserve an equality among themselves; whether any of them do not perceive what the consequences of it would be; and whether they seriously wish for such consequences.

I firmly believe, that of the five-and-forty surgeons in Edinburgh, there is not one who will not at once perceive, that those consequences of an equality among them, which I have pointed out, are inevitable; not one who would wish for such an equality; not one, in short, who would not wish to have at least one tenth, if not one fifth, of the lucrative practice of his profession

in this city, to his own share, even though ten, or twenty, or thirty, of his professional brethren should have no practice at all.

I should be truly sorry to do them injustice in this very moderate estimate of their brotherly love and Christian charity. If they think I do them wrong, and really entertain sentiments so different from what I suppose, I hope they will set me right, by fairly trying the experiment.

It will be a most edifying sight to all orders of men; and particularly gratifying to my learned brethren of the Royal College of Physicians, who will greatly applaud the principle, and carefully observe the result of the experiment. I cannot promise for them that they will instantly concur in making such a trial among themselves; for I am sure they would have set the example long ago, if they were not strongly persuaded that it would be very bad for themselves, for their college, and for the public: But, as men of sense and candour, they must always be open to conviction; and if, after a trial of only one century, or even half a century, the experiment shall have succeeded with the surgeons, I am sure the Physicians will be eager to follow their good example; and, if money should be wanted, just to smooth the way, and remove such obstacles as generally retard, and sometimes frustrate new and public-spirited undertakings, I am convinced the surgeons, provided only they are in earnest in their experiment, and will engage to make the trial of equality but for half a century, may depend on a most liberal subscription from the Royal College of Physicians, both collectively and individually. As an individual, I shall most cheerfully give them a thousand guineas; and I doubt not but my professional brethren will gladly contribute ten times that sum, rather than the surgeons should be baffled in their great work of brotherly love. Who knows how far and how fast that benevolent principle may spread? Like the spirit of volunteering, it may soon pervade all ranks and conditions of men. Perhaps the pure  
flame



flame may even reach the great temple of discord, *Lis ubi late sonat, et togatum aestuat agmen*, whose reputation for Christian charity and brotherly love, I am sorry to say, is not quite so great as might be wished. But whenever our great lawyers begin to share, not only their drudgery, but their fees, equally with all their brethren, a new order of things will soon take place: Our school-boys will shout,

*Ultima Cumæi venit jam carminis ætas:*  
*Magnus ab integro sæclorum nascitur ordo.*  
*Jam redit et Vingo, redeunt Saturnia regna:*  
*Jam nova progenies cælo demittitur alto.*

The illiterate vulgar will hail with joy the beginning of a happy millennium; and even our most inveterate reformers and malcontents will be satisfied with the commencement of such a thorough reformation and revolution, on principles of equality; a revolution, compared to which, the French revolution in all its glory was but a puppet-show; and the glory of all this glorious revolution will be justly due to the Surgeons of Edinburgh, for having begun the great work, by setting the glorious example of real equality and true brotherly love.

I cannot dismiss the consideration of their wonderful Memorial concerning their own hospital, without making a few remarks on that passage in it quoted in page 53. of this paper: "Though we humbly conceive, from the nature of the thing, that our design cannot clash with your foundation, nor the one scheme prove prejudicial or hurtful to the other."

It is unnecessary to set about refuting seriously such an assertion; nor should I choose to bring into question my own understanding and veracity, by considering, or affecting to consider, as a serious intended falsehood, what is plainly ironical, and a kind of sneer. For it is self-evident that the scheme of the Surgeons hospital

tal did clash most completely and notoriously with that of the Royal Infirmary; forasmuch as every shilling given to the former institution, was necessarily withheld from the latter. This interference would have been severely felt at any time; it would be so even at this day; but at that time, at the beginning of this institution, when it was very doubtful whether money enough could be obtained from charitably-disposed persons to build this Hospital, it must have been felt with tenfold force. Unfavourably as I think of the Memorial of the Surgeons, and of the whole of their conduct in that business, I cannot believe them capable of such imbecility and turpitude, as to assert seriously a deliberate falsehood, so gross and palpable, that no body could believe it even for a moment; and which, therefore, could never serve the purpose of falsehood.

But admitting it to be only a piece of coarse irony, approaching very near to an insult, and equivalent to saying, "This is the rod which we will hold over you; we will withhold our own contributions to your Hospital; we will intercept as much as we can of the contributions which charitable persons would give to such an Institution; we will do all in our power to prevent, and probably we shall in a great measure prevent that good to the sick poor which you intend to do them; unless you will allow us all to attend in your Hospital indiscriminately by rotation, in the way that we think best for ourselves; though we know as well as you do, that such a mode of attendance of the Surgeons is much worse for the patients than the permanent appointment of a few of them, according to your original Institution;" even in this point of view, it deserves the most serious attention.

That I have done the Surgeons (Messrs. Kennedy and Co.) no injustice in this full and rigorous explanation of their ironical sentence; that such was the true meaning of it, and the real purpose of the Surgeons in establishing a separate hospital of their own;



appears indisputably from the whole tenor of their conduct, and of their Memorial; and, above all, by the use they made of the money which they had subscribed themselves, and procured from others, on pretence of piety, charity, and brotherly love, and of the necessity of a separate hospital for the relief of the sick poor, whose wretchedness they painted so strongly; for, as soon as they could make their bargain with the Managers of this Infirmary, and procure for themselves indiscriminate admission into it, they gave up their own separate institution, transferring the money which they had raised for it to this Hospital.

It is plain, that whatever relief could be given to the sick poor by a small separate hospital, might, at first, as well as at last, have been given to them, by enlarging this Infirmary, by increasing its funds, and thereby extending its benefits.

If this was best for the poor and unhappy, for whom they professed such pity and benevolence, and, by their subsequent conduct, they tacitly acknowledged that it was best for the poor, the surgeons acted maliciously, uncharitably, and dishonestly, as well as hypocritically; they were actually obtaining money on false pretences, when they established their own separate hospital, and procured subscriptions for it, instead of increasing the funds, and extending the benefits of this Infirmary.

If a separate hospital of their own was best for the relief of the sick poor, the surgeons acted maliciously, uncharitably, and dishonestly, both to the poor and to their subscribers, in giving up that separate hospital, and transferring the money subscribed for it to this Infirmary.

Ignorant or regardless of the principles of good reasoning as we must suppose Mess. Kennedy and Co. to have been, and unfavourably as we must think of them for the whole of their conduct in this business, we cannot suppose them such idiots as to have believed even for a moment, that it was both *for the good of* the

the sick poor, and *not for their good*, that there should be two separate hospitals in this city, instead of one great Infirmary.

The *only* difference between the bargain which they made at last with the Managers of this Hospital, giving to it the money which they had raised expressly for a separate institution, and the raising and giving of such a subscription originally and unconditionally to this Hospital, was, that, by their bargain, they got leave to attend in it promiscuously by rotation. But this (whether good or bad for them) was bad, and the very reverse of pity, benevolence, and brotherly love, to the sick poor; as the surgeons well knew; for, independently of all other considerations, their own arguments in their Memorial (quoted page 55. of this paper), afford complete proof, and are in fact the strongest possible acknowledgment, that the original mode of their attendance, by selection and permanent appointment, was much better for the poor patients.

In another point of view, the same ironical sentence deserves some attention. It not only fully explains the motives of our predecessors in this trust for making such a bargain with the surgeons, but is their best or only possible excuse; for there can be no complete justification of their conduct, in doing what was bad for the patients, as well as a direct violation of their charter.

It evidently was not only the tempting offer of a considerable sum of money, of which at all times, and particularly at that time, this Hospital has stood much in need; but the dread of a rival institution, which might cut off the supplies, or even prevent the building of this Hospital, that induced the Managers to make a bargain with the surgeons, so evidently and cruelly bad for the patients.

It is curious to observe how near they came to downright higgling, before they finally settled their bargain. In their Memorial, (quoted page 54. of this paper), the surgeons offered the Managers 2000 merks, (Scots); something more than L. 100: and



promised further to endeavour to persuade their subscribers to allow their donations (to the surgeons hospital) to be transferred to this Infirmary.

The answer of the Managers to this part of the proposal (page 10. of the Appendix to the Surgeons Memorial, and recorded also in our own Minutes, June 7. 1736, vol. 1. page 100.) is in these words: "The offer of 2000-merks donation to the Infirmary by the twelve gentlemen is very *charitable*.

"What shall arise from the last article will no doubt add to the Infirmary stock; and it is wished that the gentlemen would signify what the amount of the subscriptions and donations they have procured is."

With shame and sorrow I must confess, that the honoured name of GEORGE DRUMMOND (in name of the Managers) is subscribed to this paper, acknowledging *that* to be charitable which was fordid, uncharitable, and unfeeling, beyond example; and desiring to know how much more money might be expected on the same unworthy condition.

But the surgeons were too sharp for them here. Whether they had read *Tacitus*, or had discovered it by their own natural sagacity, I know not; but they seem to have understood perfectly the power of imagination, and that principle of human nature, *Omne ignotum pro magnifico est*; which, as our countryman *Galgacus* near 1700 years before told his soldiers, had brought the Roman armies to the Grampian mountains.

The reply of the surgeons was in these words: "You seem to think the offer of 2000 merks donation to the Infirmary very charitable, but wish to be informed of the amount of the subscriptions we have procured: but this is impossible for us to gratify you in at present, seeing our bonds for that purpose are abroad in many different hands, and we cannot yet judge it proper

“ proper to call them in ; only in general we can tell you that our “ friends have not hitherto been unsuccessful.” — *Appendix to the Surgeons Memorial*, page 16, 17.

Nothing could be better adapted to raise in the Managers the highest expectations of what they might obtain in point of money for the Infirmary, if they would comply with the condition required of them by the surgeons ; and to increase their dread of a great and dangerous opposition, which might have been ruinous to this Infirmary, if they would not comply with that condition.

The result was, that the Managers, who plainly could have withstood the 2000 merks, were induced some time after to make the bargain, on obtaining a much larger sum from the surgeons ; about L. 500, as I am informed.

It is unnecessary to make any remarks on what is so strongly stated in their Memorial and Appendix about their apprentices, and the hardship of excluding from opportunities of instruction, by seeing the practice in the Hospital, those who were not apprentices to the surgeons of the Infirmary. That would be very bad indeed ; but it is now quite out of the question. All students of physic and surgery, whether apprentices or not, have equal opportunities, on very moderate terms, of acquiring improvement in the Hospital, by seeing the practice of the physicians and surgeons. It cannot be supposed that the Managers should ever do any thing so unjust to the students, and so ruinous to the Hospital, as to alter this system.

I believe it will be more necessary to make some apology for the unreasonable length of this digression, occasioned by the consideration of the Surgeons Memorial. The truth is, it came into my hands very lately, and after this paper was written ; which circumstance has occasioned many needless and unpleasant repetitions. But nevertheless it was most acceptable to me. In the language of surgery, it was so admirable a *subject*, that flesh and blood



blood could not resist the temptation to dissect and anatomise it. It afforded the strongest possible proof and illustration of the real principles on which their bargain with the Managers was made. It contained an open avowal of such sentiments and considerations as I never could have thought of, and which, if I had thought of them, I should never have presumed to impute to any individual or any set of men. I have good reason to believe that the present members of the College of Surgeons know as little of it as I did six months ago, and will be as much astonished, and as indignant at it, as I was when I first read it. It would be little to say that none of them can be supposed to entertain or adopt such sentiments: I do not believe that now-a-days a society of porters would have put their names to such a memorial, or would avow such sentiments. The practical inference from this, on the part of the surgeons, is obvious, and, I should think, irresistible.

I return to the consideration (stated in page 43. of this paper) of the great importance of manual dexterity in a surgeon, acquired by the almost daily performing of operations, which makes it so much for the benefit of the sick poor in an hospital to be attended by surgeons permanently appointed to it, and so cruelly bad for them to be attended by all the surgeons of a great city in rotation, for short periods at a time, and at long intervals, and still worse, to be attended for months or years together by a succession of the youngest and most inexperienced of the profession.

This general truth being self-evident and undeniable, and abundantly acknowledged, and even proved by the surgeons themselves in the passage quoted from their Memorial, any additional proof or illustration of it must be superfluous. Not therefore as necessary for my argument, but as honourable to the profession, and a good illustration of the general truth, I think it right to mention, that many of the most eminent surgeons have candidly and liberally acknowledged the superior skill and dexterity of  
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some individuals, not *regularly* of their profession, in the performing of some operations, for example, those on the Eyes and the Teeth, to which they had devoted much time and attention; and which they were in the daily habit of performing.

But this is not all. There is a still more important consideration with respect to an operating surgeon. It is not every person bred a surgeon, and well instructed in the principles of the art, and able to apply them readily and judiciously, who is or ever can become even a tolerably good operator. For this, some physical, and perhaps even moral or mental qualities, are necessary, which many people do not naturally possess, and never can acquire: for example, a clear quick eye, a steady hand, and what are called *good nerves*: I mean that kind of calmness and firmness of *mind*, which gives a man perfect command of himself in those distressing, embarrassing, and unexpected circumstances, in which an operator must often be placed.

No person who has not been an eye-witness of the shocking sight of a surgeon deficient in some or all of these qualifications, performing a difficult and dangerous operation, can form any just notion of their importance; or of the impossibility of a man becoming a good operator who has them not.

But some notion at least of what is meant may be acquired by an easy and familiar illustration. Every man who is not extremely deficient in understanding may learn the rules of common arithmetic; and with sufficient and very frequent exercise will learn to apply them readily and justly to various subjects: so may any ordinary person acquire the principles of physics and surgery, and with frequent practice learn to apply them properly and readily to particular cases, so as to know perfectly what ought to be done in such cases. But many a man not deficient in understanding or knowledge can never learn to write a fair hand or to make a pen; both of which performances are a kind of *surgery* or *hand-work*.

Many



Many men, after much practice for forty years, will spoil two pens out of three which they attempt to make; and, when they get ever so good a pen, can scarce write legibly.—I need not say that such imperfection of sight, or unsteadiness of the hand, as would only spoil a pen or blot a page of paper, might, in the performing of a nice and dangerous chirurgical operation, put out an eye, or kill a man.

This consideration of itself might be sufficient to shew the importance of a proper *selection* of the surgeons, even more than of the physicians, who are to attend and practise in a great hospital. But there are many other reasons equally applicable to physicians and surgeons, which still more strongly evince the same truth with respect to the necessity of *selection*; which, next to permanent attendance, is undoubtedly the most essential circumstance, in order to insure, as far as human wisdom and power can insure, the best medical assistance to the patients.

This indeed is so plain and obvious as scarce to require or admit of proof. The absurdity of supposing the physicians or surgeons of an hospital to be given to it without selection, either purely by chance or lot, or by the contingent circumstance, implying no peculiar merit or demerit in them, that they were the youngest, or that they were the oldest on the lists of their respective colleges, is so glaring, that, to argue *against* it, or any other indiscriminate appointment, may appear as needless and as foolish as to argue *for* it.

But the experience of more than sixty years in this Hospital having too plainly shewn that such an obvious truth may be overlooked or disregarded, and a more pernicious absurdity established than that which appears so glaring, it may not be useless to point out whence most especially arises the expediency or necessity of a proper selection among the physicians and surgeons who may be willing to give their services in an hospital.

In the first place then, one general and striking fact must be obvious to every person of competent understanding, and any the smallest observation of what passes in the world around him; I mean, that of the great number of men regularly bred to physic or surgery, very few ever rise to eminence in their profession.

Of those who have attained considerable eminence in their profession, some no doubt have owed their success to very unworthy arts; and far from having any real pre-eminence in merit, have been as much inferior in understanding and professional knowledge as they were in probity to their less successful brethren. But surely it would be unreasonable, as well as illiberal, to suppose that this has generally been the case. Every man of sense and candour, who has had proper opportunities of judging, will acknowledge, that the most eminent and successful in every branch of medicine have been men of well-established character for probity, understanding, knowledge, activity, and assiduous attention to the *study* and the *duties* of their profession. Every man of sense shews what he thinks on this point, by his conduct, when his own health or life, or the health or lives of those who are dearest to him, are at stake.

The conduct of physicians and surgeons, when themselves or any of their families are sick, and the selection which they make when they stand most in need of the professional aid of their brethren, evince still more strongly the same important truth. For, though they may not in general be thought the most *candid*, they are undeniably the most *intelligent* judges; and, in the circumstances specified, they are, in every respect, the most *competent* judges of the merit of their professional brethren.

Every such instance of selection, either by professional men of the greatest judgment and knowledge, or by men of sense and observation who are not of the medical profession, implies the strong conviction entertained by them of the great superiority of some



practitioners, and the important advantage to be obtained by employing the best.

It is by no means the accidental circumstance of seniority that solely or even chiefly determines the public opinion, or that of the most judicious and intelligent individuals, strongly in favour of some practitioners, and as decidedly against others. In most professions, especially in those which depend partly on close and accurate thinking, and the natural powers of reasoning, partly on acquired knowledge and experience, and the improvement of the natural faculties by frequent exercise, as, for example, in the profession of the law, and very remarkably in physic and surgery, a certain degree of *standing* as it is called, implying both maturity of judgment, and time and opportunities for improvement, as well as some portion of experience, is undoubtedly of very great importance, and almost essential to success. Without it, in some degree, no man who has not either very extraordinary talents, such as may be shewn beyond dispute at the bar, but hardly in surgery, and still less in physic, or is not placed in very peculiar circumstances, so as to have no rivals, or none but the most contemptible, can acquire great reputation and employment.

But mere *standing* or seniority, superadded to the most complete and regular education in the profession, will neither procure confidence from the public, nor success and employment to any person. We are well accustomed to see many juniors surpass, and most deservedly surpass their seniors, perhaps even their own instructors; and leave them so far behind, that, before half their race is run, they can have no further hopes of success.

Some individuals soon shew by their talents, and the use which they make of them, that they can profit more by seven years of observation and experience, than others could do in the longest life. And very many soon shew that they are incapable of ever improving; from a real natural want of those faculties which would enable

enable them to observe accurately, to compare different observations together, to reason acutely and fairly, and ultimately to draw just and useful practical inferences from what they had observed. Many not naturally deficient in their intellectual powers become so from defects or improprieties in their education; especially the want of that general preliminary education which improves the faculties, while it extends the sphere of knowledge, and directs the attention to proper objects. And many more, who have no such excuse either from natural or accidental defects, never improve, and soon shew that they never will, purely by their own fault. They think the knowledge or improvement they had acquired, when they first entered on the exercise of their profession, sufficient for all purposes, or at least for their purpose; they find the effort of attention in observing, comparing, reading, and thinking, too laborious; and as they flatter themselves it is unnecessary for them, they soon cease to make it.

Of course, all chance of improvement in them is at an end; they grow older, and yet grow never the better or wiser. On the contrary, as they often become more negligent, they grow worse in every respect, and really become more ignorant, forasmuch as they acquire no new knowledge, and forget much of what they had formerly learned.

They become a kind of Drones, content to do their business in a humdrum workman-like sort of a way; by which they have the best chance of escaping reflections or censure. Their faults are much more frequently sins of omission than of commission. For once that they do any thing positively and immediately pernicious, they miss, from negligence, or ignorance, or both, an hundred opportunities of doing good.

None but those who are thoroughly bred to physic, and who have taken the trouble to attend *patiently* and *fairly* to what they have seen, and done, and heard, and read, have any notion how imperfect



imperfect it is, considered either as a science or an art ; how many diseases are little or not at all understood ; how precarious many of our best remedies are ; and how much of their success, or chance of success, depends on the judicious and well-timed application of them. The same *means* are very generally employed in the same diseases by the most skilful and attentive, as by the most ignorant and negligent ; and it must be so, because they are not kept secret : but it depends on their being properly employed, and this again on the skill and attention of the practitioner, whether they shall be *remedies*, or the contrary. Yet the most ignorant and careless physician or surgeon who prescribes or administers the same *things* which the most judicious often employs, will very generally be thought as completely exempt from censure, and as well entitled to praise, as the other could be, with all his knowledge, discernment, and attention.

Even the patent or quack medicines, as they are generally called, are not in general bad *drugs*. Many of them no doubt are insignificant ; but many of them, as we have frequent opportunities of discovering by their characteristic effects, are just our own best known and most active medicines, given under new names, and variously disguised : for example, Aloe, Jallap, Antimony, Mercury, Arsenic, Opium, and above all, Brandy. But these quack-medicines, which a Physician or Surgeon who knew what they were might employ with safety and advantage, are every year pernicious to thousands, by being rashly, indiscriminately, and improperly used. The case is just the same, when the same powerful medicines, under their proper names, are employed by ignorant or negligent practitioners, though of the regular faculty.

None but those who are in the secret have any notion how much easier it is to *prescribe* than to *think* ; and of course how much oftener the former is done than the latter, and to what little purpose.

None

None but those in the secret have any notion how faithfully many Physicians and Surgeons go on for thirty or forty years, or longer if they live longer, employing, even in the commonest diseases, the remedies which they were taught when young, though useless at best, if not pernicious; how faithfully many great and grave writers have transcribed from their predecessors, from generation to generation, the same frivolous, absurd, or dangerous precepts, the same useless or pernicious prescriptions, and the same silly remarks; how tenaciously many practitioners adhere to old receipts, so extravagantly absurd as to contain perhaps fifty or a hundred ingredients, of which probably not more than three or four are of any use; and how manfully they fight against the introduction of other remedies, the most simple, powerful, and safe, which they reprobate, and will not employ, for no other reason but because they are new.

Men of such talents, characters, and habits, whether Physicians or Surgeons, can neither improve by experience themselves, nor contribute to the instruction of others, and the improvement of their art. They are peculiarly unfit to practise in an hospital, where, on account of the great number and urgency of the cases to be treated, the greatest extent and accuracy of knowledge, the greatest quickness, precision, and discrimination in applying it, and in one word, the greatest effort of attention and thought is required. Any deficiencies in them, which in private practice might well have escaped observation and censure, must soon become conspicuous on so public a stage; just like those of a lawyer at the bar; and will not only bring on themselves reproach and contempt, but will in some measure affect the character of the Hospital itself. Whatever lessens the confidence of the public in the administration of it, and of the patients who resort to it, in the skill of those to whose care their health and lives are entrusted,



entrusted, tends strongly to frustrate the benevolent purpose of the institution, and is in truth a very great injury to the public.

These remarks I have stated strongly, in order to shew the necessity of *selection* for the purpose of hospital-duty, among Physicians or Surgeons of the same education and legal qualifications, as Members of the one or the other College; a necessity resulting from the very different personal characters, and dispositions, and talents of different individuals. No person acquainted with the practice of physic or surgery, I am sure, will think my remarks unjust or exaggerated.

If they appear so to others, not acquainted with the practice, nor perhaps with many practitioners of physic or surgery, let those who distrust my remarks, attend only to what they may every day observe in common life, and they will soon be convinced of the truth and the force of all that I have said with respect to the fitness of some, and the unfitness of others, to improve by experience.

No person, I trust, thinks so meanly either of physic or surgery, as to suppose that less talents are requisite to practise them with credit and success than what are necessary for the common conduct of life; implying a competent knowledge of men and things: but every person of good sense and observation must often have remarked how very differently different people profit by experience and observation in common life.

Some men, naturally of good sense and quick discernment, and active, vigorous minds, who attend accurately to what passes around them, are distinguished even at an early period of life for sagacity, prudence, decision, and quickness in conduct, and a thorough knowledge of the characters of men, and the management of business. They are accordingly respected in the world, and often consulted on nice and difficult occasions by those who are acquainted

acquainted with them, and who very wisely rely more on the judgment of such men than they would do on their own.

But such men are not the majority of mankind. An infinitely greater number are either so deficient in natural talents, or so culpably negligent in the use they make of them, that they appear to acquire no improvement at all by their experience of men and things. At the age of fifty or sixty they are a good deal more dull, but not a jot wiser, than they were at twenty-five or thirty. They become as arrant Drones in common life as any are in law, or physic, or surgery. No man of sense, who knows them, would ever think of consulting them, or relying on their judgment, in any business whatever, any more than he would think of consulting a lawyer when he was sick, or a physician when he was engaged in a lawsuit.

A man of such a character, never can deserve respect, or confidence, or employment, even in his own profession: and there are many such in law, in physic, in surgery, and in all the employments of life.

The most useful of all professions, one far more important than law, or physic, or surgery, because on it we must all depend for our daily bread, I mean Agriculture, affords the most complete illustration that can be desired, or indeed conceived, of the point which I here inculcate. Some farmers, intelligent, active, observing men, have not only improved much themselves, but have made great improvements in the art which they had learned in their youth; and have shewn to the conviction of every man who is capable of thinking, that it may still be much further improved. But a thousand times more of them have gone on from youth to age, from generation to generation, and, if left to themselves, would certainly go on to all eternity, practising, in a slovenly imperfect way, the slovenly imperfect art which their fathers had taught them, never once attempting to make any improvement,



improvement, nor even dreaming that any improvement could be made, either in themselves or in their art.

I hope my professional brethren will not be offended at me, because in this comparison I have waved all consideration of the superior dignity and difficulty of Physic and Surgery, as partaking of the nature of science, and consequently deriving improvement from the exertions of great and original genius. I did so purposely, sensible that I was stating but part of the truth, and the part least favourable to my argument, as well as to the dignity of the medical profession; but then it was the part of the truth not liable to suspicion or cavil.

I stated only activity, attention, and shrewd common sense, as not less necessary for accurate and useful observation and improvement in physic and surgery, than they are for acquiring knowledge of the world and prudence in the ordinary business of life. *That* I presume will not be disputed.

But if I, an old professor of the theory and practice of physic, were to say all that I believe, or know to be true, with respect to the importance of science, and the advantages of genius, in the study, the practice, and the improvement of physic, nay, even the indispensable necessity of some portion of science and genius, to enable a person to improve himself, by observation and experience; I should be distrusted at least, and perhaps laughed at: But as such a discussion is not essential to my present purpose, I will not without necessity expose myself to that mortification.

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## SECTION III.

IT is not for the sake of the Managers of the Royal Infirmary, that I have entered into this long detail and discussion. They, I am sure from what I have already heard directly of the sentiments of some, and indirectly of the sentiments of others of them, need no arguments or illustrations of mine to convince them of the grievous evil of the present mode in which all the surgeons of Edinburgh, or all of them who choose, attend in this Infirmary by rotation; and of the only adequate remedy for so great an evil on the *two* general principles for which I contend; the *selection* and *permanent appointment* of a sufficient number of surgeons to do the Hospital-duty. I have good reason even to believe, that, from the beginning of this institution to the present hour, there never has been any doubt, or difference of opinion, among all the successive sets of Managers of this Hospital, for more than seventy years, on either of those points. The way they acted at first, in appointing permanently a small number of surgeons to attend in the Hospital; the considerations by which they were induced to depart, in less than ten years, from their original wise and good plan, I mean the opposition of the Corporation of Surgeons, their establishment of a rival hospital, which threatened great injury to the slender funds of this institution, and their offer to give up their own rival hospital, and to transfer the money raised for it to this Infirmary, on condition that they should all be allowed to attend in it by rotation; the conduct of the Managers in 1750-51 with respect to the physicians; the attempt which they made above thirty years ago to get rid of that compact with the surgeons, and which, though feeble and ill conducted, shewed plainly that they

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knew the greatness of the evil under which the Hospital laboured, and saw what they ought to do, though they had not firmness to persevere in it, and bring the question to a fair and public trial ; all these things amply testify what the Managers have always *thought* ; indeed, considering how many of their number have always been experienced physicians and surgeons, men well acquainted with the practice of surgery in hospitals here and elsewhere, I may safely say what they have always *known*, of the evils of the present system of rotation.

It is not therefore for their instruction, for they can need none, on this point, but for the edification of others not so well informed, that I take so much trouble on so plain a subject ; which they may soon have occasion to consider for the first time.

I must own likewise, that I wish to place it in various and strong lights, in order to rouse the attention, and procure to it the candid and patient consideration, of a set of men who may be supposed to know more about it already than I do : I mean the members of the Royal College of Surgeons themselves.—I intend that they shall see, and have an opportunity to consider fully, all that I advance on a subject which so nearly concerns them. I have nothing unfavourable to say of the character or talents of any individual of their number ; and if they, collectively or individually, think they can refute any of my general observations and reasonings, they are heartily welcome to try to do so. I shall be ready most cheerfully to acknowledge my error whenever it is pointed out to me : and at any rate I shall be glad to see the point in question made a subject of strict and public discussion.

From the conduct of the Surgeons more than sixty years ago, which brought about the bargain and the system of rotation against which I remonstrate ; from their conduct and keen opposition more than thirty years ago, when an attempt was made to  
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overturn that system; and even much more lately, from their conduct only seven years ago, when a reform was proposed in it by Dr Duncan, at that time President of the Royal College of Physicians, and one of the ordinary Managers of the Infirmary, as I am at present, I know it is apprehended by several of our number, that the surgeons will strongly oppose, on this occasion, that alteration with respect to the mode of their attendance, which I think essential to the good of this Hospital; and that they will insist on adhering rigorously, and making the Managers adhere to their original bargain in 1738.

I have strong reasons for being of a different opinion; and for thinking more favourably of the sentiments and probable conduct of the Royal College of Surgeons, both individually and collectively. That all of them will think as I do, and act as I should wish them, so that the whole College *unanimously and most cheerfully* shall act as wisely, liberally, and honourably, as the College of Physicians did on a similar occasion in 1751, is what I cannot promise; because I have not had an opportunity of knowing the sentiments of every individual among them. But I think it *highly probable* that they will do so, either unanimously, or by a very great majority. And at least I am certain that they will *not be unanimous* in the opposite conduct. In the course of the last twelve months I have had occasion to learn the sentiments of several very respectable members of that College on the point in question. I have found them the same with my own; and the same that in the course of the last thirty years of my life I have heard times innumerable from students, physicians, surgeons, and Managers of the Infirmary.

Some of those opinions which I have heard the most lately were expressed in terms more strong and precise than I have ventured to employ; as well they might be, by men who had themselves been engaged in the business, and had of course the most direct and par-



ticular knowledge of many things which I knew only in general and by report.

I have already had occasion to mention, that several eminent surgeons of this city, men still in the vigour of life, have withdrawn from their hospital-attendance. Their reasons for doing so are abundantly well known; for some of them have stated their reasons in writing for declining to attend in their turn.

I have *seen*, among the papers in the hands of the clerk, a letter from one eminent surgeon, (Mr Bennett), in which he declares in very plain terms his unfavourable opinion of the present system of attendance of the Surgeons, and gives that as his only reason for declining to attend in rotation.

I have *heard* of another letter much stronger on the same point, from another eminent surgeon, (Mr Law), who also declined to attend in his turn. But of his letter I have not been able to procure a sight. Probably some of the Managers will remember the substance of it.

Some other surgeons have declined to attend in rotation without giving their reasons in writing; but have made no scruple to declare, by word of mouth, that they thought the system so bad, that they would not be concerned in it; as not thinking they could either do much good to the patients, or act with any credit to themselves. It would be highly improper for me to name any of these gentlemen. I leave it to themselves to express their own sentiments, in time, place, and manner, as they think best. I shall be much surprised, as well as disappointed, if they do not express them very plainly, and support them by strong arguments derived from an intimate knowledge of the subject.

I have even been informed, that some members of the College of Surgeons have declared, that they thought the present system of attending by rotation so bad, that they would in their own College propose, or vote for, its immediate abolition; were it not that they

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were afraid they might be suspected of doing so with a view to obtain the permanent appointment for themselves.

I respect the delicacy of the sentiment which suggested this kind of reserve and self-denial ; but I do not approve of their conduct. No man should be diverted or deterred from doing what he knows to be right, by the apprehension that the ignorant and malevolent will mistake or misrepresent his motives ; nor ought any man to allow a sentiment of romantic delicacy, or an over-strained point of honour, to interfere with the more serious and sacred duties of truth, justice, and humanity. I hope, therefore, they will consider the subject again, and more fully, and act differently, when it comes before them anew.

I cannot conceive that there should be any real difference of opinion among the members of the College of Surgeons as to the *evil resulting to the Hospital*, whatever there may be as to the *benefit accruing to them*, from their attending in rotation : nor yet can I think so unfavourably of them as to believe that when they are convinced of the former point, they will obstinately, rigorously, and selfishly, contend for the latter. But, at any rate, the two points are essentially different ; and must be kept quite distinct in all our reasonings ; and especially in any discussion with the surgeons.

This, I have reason to believe, was not duly attended to on some former occasions ; and especially seven years ago, when, on Dr Duncan's motion, this subject was last considered.

All I have been able to learn of the reason why it was so soon dropped, is, that it was found, or feared, that the "*Surgeons would make a terrible noise about it.*"

This consideration appears to me no reason at all. If a set of men engaged in an important public trust are to be deterred from doing what they know to be right by the fear of *noise*, their nerves must be weak indeed.

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Let us for once suppose the worst that is possible, or much worse than is possible, in that respect, on the present occasion.

Let us suppose, that, in consequence of this Memorial, every individual member of the College of Surgeons shall, to his own share, make forty times more noise than *Orlando Furioso* did at full moon when he was maddest, and shall continue in that unparalleled state of uproar for twenty years without ceasing.

I can see no great harm in all that noise; and no harm at all to any but those who make it. It can do no harm to this Hospital; it cannot injure our cause; it cannot even weaken my argument; on the contrary, it would strengthen it greatly; and would soon bring the question to a most favourable issue. Ninety-nine parts in the hundred of all that noise would of course be bestowed on me; whom it would not deprive of one hour of my natural sleep, and to whom it would afford infinite amusement and gratification while I am awake.

But, seriously, I see no reason that we have to suppose that the Royal College of Surgeons, or any individuals among them, shall, on this occasion, or on any occasion, speak or act like madmen. I have the pleasure of being well acquainted with many of them, whom I respect very highly, as men of sense and worth, and talents, and knowledge of various kinds, as well as of great and deserved eminence in their profession. I have no right, and no wish, to think less favourably of many others of them, with whom I am little or not at all acquainted.

Supposing that on the present occasion, as on some former occasions, the majority of them should not be convinced by those considerations which are perfectly convincing to us, and should keenly oppose, as injurious to their College, what we judge to be requisite for the good of the patients in this Hospital: even on this supposition, the most unfavourable that we can rationally make with respect to them; far from being entitled to expect that they should  
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give us at once a decisive advantage over them, by speaking or acting absurdly or outrageously, we must *expect*, and *be prepared for*, the very opposite conduct on their part; that they will act *prudently* and *cautiously*, saying very little, and keeping on the defensive as much as possible; like men of talents, fully sensible of the very delicate situation in which they are placed; sensible in particular, that the strongest argument which they have to urge, *that* argument on which they *must ultimately* rest their cause, supposing it to be good in law, which I am well assured it cannot be, is yet of such a nature, so unpopular, and approaching so near to an outrage on natural justice, humanity, and common sense, that it can scarce be publicly avowed.

If every one of them had the talents and the tongues of both the *Erskines*, and all their knowledge of law to boot, there are but *two* things in any degree to the purpose, which they could urge in opposition to our claim; either that there are no such evils as we conceive in the present mode of their attendance in the Hospital, and that it is as good for the patients in it to be attended by all the surgeons of Edinburgh in rotation for two months at a time, as it would be for them to be attended by a small number of Surgeons, selected and permanently appointed Surgeons to the Hospital; or else that their contract with the Managers of the Infirmary, made in 1738, is good and valid, and cannot now be set aside, whether the mode of their attendance established by it be good or bad for the patients.

We must expect that they, and that the counsel learned in the law whom they may choose to employ, will endeavour to make the most of both these arguments, as it is plain that nothing else *can* avail them: For if they admit that the present mode of attending by rotation is bad for the patients, and that it would be better for the patients to be attended by surgeons permanently appointed, and also admit that their contract with the Managers is null



null and void, or give it up as improper ; it would follow *necessarily*, both that we had a right to appoint permanently a sufficient number of ordinary Surgeons to attend in the Hospital, and that it was our duty immediately to do so. Every thing else that could be said on the subject would go for nothing.

I shall consider briefly each of those two arguments by itself, as I am well convinced that nothing but the careless blending of the two considerations together could have concealed from the view of either party in the contract, that the one is palpably absurd, and the other grossly unjust.

As to the former argument or consideration, the evils resulting from the present mode in which the surgeons attend in the Hospital by rotation, I am sure it cannot be necessary, either to repeat what has already been stated so fully on that point, or to say any thing more in proof of so plain a truth, till some person shall be found either ingenious enough to attempt to refute, or bold enough flatly to deny, what appears self-evident, and what both in word and deed has been universally acknowledged.

I own I should like to see the man who could seriously maintain, that a surgeon of good talents and education acquires no improvement by many months or years of hospital-practice ; that a young surgeon, who perhaps had never practised in an hospital or any where else, or who at the utmost perhaps had practised in an hospital for two months three or four years before, is as well qualified from the hour he begins to attend in an hospital, and to practise and operate in it, and can practise as well, with as much credit to himself and advantage to the patients, as he could do after many years constant attendance and daily experience of that kind of practice ; that it is no loss or injury to two or three dozen of patients in an hospital, to lose the attendance and care of an experienced surgeon, who had been treating them for many days or weeks, and come under the care  
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of an inexperienced surgeon, who is just beginning to attend, and practise his art for the first time in his life; and that there is positively no evil to the patients, to the Hospital, to the public at large, from there being a succession of such inexperienced surgeons attending in the Hospital, each for two months at a time, for two or three years together.

I should even like to see the man who could maintain, that if this question were quite entire and new, if no such contract between the Managers and the Surgeons had ever been made, it would be the *duty* of the Managers of this Hospital to appoint all the Surgeons of Edinburgh to attend in it by rotation, as being for the *good* of the patients; or even that the Managers *might, without impropriety or blame*, appoint all the Surgeons of Edinburgh to attend in that manner, as being a thing *indifferent*, and at least *not hurtful* to the patients.

But all these propositions are so extravagantly repugnant to common sense, as well as to the most ample, uniform, decisive experience, that it would be in vain to expect to have the pleasure of seeing any man openly assert them. Such a man would need no refutation; it would be sufficient just to ask him the reason of the faith that was in him.

We must expect that every possible care will be taken by those to whom they are adverse to keep those propositions out of sight; and this care we must be prepared to frustrate, by bringing them into full view, and placing them in the strongest light; for unless those seemingly extravagant propositions can be expressly maintained and established, we make good our first great point, that the present mode of the Surgeons attending by rotation is *bad* for the patients, and consequently that it is our *duty* to alter it *if we can*.

As to the second point, which is at least as essential as the first in this question, namely, That such is the contract made with the surgeons more than sixty years ago, and that, right or wrong in



itself originally, good or bad for the patients, it is now the *right* of the Surgeons, and that they will maintain it, and insist upon it; it is a matter, I own, of more nicety and difficulty.

The former was a point of physic rather than of law, and a matter of plain common sense; of which I presume, without vanity, I can judge as well as any lawyer can do.

The latter is *very much* a point of law, which I am no judge of; but as it seems to me to be not *purely* a point of law, but to involve also some little considerations of natural justice, humanity, and common sense, I shall take the liberty to suggest what occurs to me on considering it in this point of view; trusting and wishing that no regard be paid to my sentiments, except in so far as they are approved of by men, whose talents, education, and professional habits, qualify them, and entitle them to judge of such arguments.

I cannot say with truth, that I should like to see the man who, admitting that it was bad for the patients, should yet insist on attending and operating in his turn, because it was his *right*, and was expressed in the contract of the Managers with the Surgeons. I should be disgusted and shocked at the sight of such a man, and should never see him or think of him again without horror.

If ever, for my sins, I should have the honour, which I could well dispense with, of a *tete a tete* with so formidable a personage, I should be more inclined to put myself in a posture of defence than to attempt to reason with such a monster. I should think I saw a real living *Shylock*, displaying his scales, whetting his knife, and insisting on cutting a pound of flesh from the breast of his miserable debtor, because it was the forfeit contained in his bond. But even the imagination of *Shakespeare* could conceive nothing so horrible as a whole college or corporation of *Shylocks*, each of them brandishing his whetted knife, and claiming his right, in his turn, to cut his pound of flesh from the breasts of those whom a rigorous

rigorous contract had put in their power, and maintaining that this bloody right was indefeasible, and must be transmitted unimpaired to their successors through all generations.

My charity exceeds not ; yet, after seven and forty years of life, I have seen nothing in human nature that should make me think such a character and such conduct *possible*.

Far from believing that the whole College of Surgeons, or that the majority of them, will act in such a manner, I do not believe that one individual among them will do so, or will think of such conduct with less horror and indignation than I do.

On this very account I have been anxious to state it to them strongly, and to rouse their attention to it. I am convinced that many of them have never once thought of it ; for though they might overlook it, I am sure they could not disregard it, if it even for a moment engaged their attention. I have been anxious, for their edification, to separate carefully the two points, What is *good* or *bad* for the patients, and what may be thought the *right* of the Surgeons by their contract with the Managers. Supposing what is bad for the patients to be the right of the Surgeons, in what a light must they appear when they claim that right ?

After all the enquiries that I have been able to make, I cannot find, that, from the first institution of the Infirmary to this hour, the College of Surgeons, or any individual of their number, or any other body, has ever maintained, that their attendance in the Hospital by rotation was for the good of the patients. On the contrary, the very opposite reason, "*To preserve an equality among the Surgeons,*" that is, in other words, to prevent a few of them from acquiring very high improvement, by permanent attendance in the Hospital, was originally *avowed* by the Surgeons, and was long believed to have had great weight with them ; which I trust, it has not now.



The nearest approach which I have yet heard of, to justifying that mode of attendance, or saying that it was *good*, or rather that it was *not bad*, for the patients, is, that it is their right, and they will not relinquish it, and that "every surgeon in Edinburgh *can do the business well enough*."

That any reasonable number of them taken, either by selection or by lot, to attend permanently, would soon learn to do the business very well, and much better than it has been done any one year since the Hospital was built, I have no doubt. But that is not the question. On the system of rotation, it has not been done so well, nor can it be done so well as it might be done on a different system. It is never done *well enough*, if it can be got done *much better*. The difference between the business as it *has been done*, which any body who pleases may call *well enough*, and as it *might have been done much better*, is the amount of the evil and of the injury done to the patients by the contract of the Managers with the Surgeons. It is the pound of flesh cut from the breast of a miserable debtor, to gratify an austere and rancorous creditor.

Without a metaphor, let us consider strictly and literally what that difference amounts to, and what are the evils brought on a certain number or proportion of the patients individually.

To the unfortunate sufferers it is the difference between life and death; between sight and blindness; between the preservation and the loss of a limb; between vigorous health and incurable disease, weakness, or lameness; between comfort and misery for the rest of their days.

It would be absurd, illiberal, and unjust in the highest degree, to say that *all* the patients who have suffered such evils in the Infirmary, under the care of the Surgeons attending in rotation, have suffered by their want of skill, experience, and dexterity. It is self-evident that the very best surgeons, just like the best physicians,

cians, can no more cure *all* their patients than they can make them *all* immortal.

But on the other hand, though less harsh to those concerned, it would be just as absurd to say, that *none* of those patients suffered from that cause; and that *none* of them could have been cured if they had been attended by surgeons of greater skill, experience, and dexterity; such as every surgeon, not absolutely incapable of improvement, would acquire by permanent attendance in an hospital. To assert *that*, would be to maintain that there is no difference in point of skill and dexterity among surgeons; that none of them improve by experience; and that all of them, from the moment that they have finished their apprenticeships, and before they have begun to operate or to practise, are equally good practitioners and operators, and equally and utterly incapable of ever growing better, either by their attendance in this Hospital, or by any other means.

Such ridiculous absurdities no man *can* think or ever *will* assert. The only question that remains then is, What is the proportion of such sufferers to the whole number of the patients who come under the care of the surgeons, one year with another? Is it one in ten, or one in twenty, or one in fifty? Is it one, or is it ten, or twenty, or fifty in a year? In other words, Has the whole number of sufferers by that bargain between the Managers and the Surgeons in sixty years, been only sixty, or has it been six hundred, or twelve hundred, or three thousand? The last number may well be thought extravagantly great: but surely the first number is as unreasonably small. A man must be thoroughly ignorant of surgery, and must hold very cheap the difference of skill, experience, and dexterity among surgeons, who can suppose that not one patient in twenty, or not more than two or three in a year in this great Hospital, will suffer by being under the care of inexperienced instead of experienced surgeons.

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The annual or total number of sufferers by the evil which I have stated cannot be, nor ought it to be precisely ascertained; for this would be useless and shocking. As the reality of the evil is too certain, be the amount of it more or less, it ought to be abolished without delay.

Nothing less than actual experience of the fact can make me believe that even one individual member of the College of Surgeons can be found, who, for his own gratification or benefit, will claim a right which is a cruel wrong to others. My confidence in this just and rational sentiment, and the corresponding conduct on their part, makes me wish that the first step, on the part of the Managers, be an explicit communication of our sentiments on the subject, to the Surgeons; a full exposition of the very strong reasons on which those sentiments are founded; and a request to be informed of theirs.

This, I should think, would probably supersede all further trouble, and especially all litigation, on the subject.

#### S E C T I O N IV.

POWERFUL as the reasons are which induce me to think that the Surgeons will think just as we do, and act as we should wish them with respect to the contract between their corporation and our predecessors in this trust, as soon as they attend strictly to it, and to its sad consequences on the sick poor who come under their care, I am sensible that those reasons do not amount to demonstration. The contrary supposition, however *improbable*, is still *possible*. It is therefore incumbent on me to *consider*, though not to *believe*, the most unfavourable supposition, That the Surgeons, or the majority of them, will not admit that the present mode of their attendance

tendance is *bad* for the patients ; or that, whether it be good or bad, their contract with the Managers is *good and valid*, and that therefore they will insist on adhering to it themselves, and making us adhere to it.

I must then state on what principle of law or equity I conceive that *that* contract ought to be *reduced*, or *annulled*, or *set aside*, or whatever be the legal phrase for *getting rid* of it.

All kind of quibbling or special pleading about the formality, or the terms, or the interpretation of the terms, of the contract, is here quite out of the question. The meaning of it is plain ; and this alone concerns us.

It *must* be either *good* for the patients who come under the care of the Surgeons, or *bad* for them, or *indifferent* to them.

If it be *indifferent* to them, it would be foolish and wrong in us to desire to get rid of it ; *foolish* to give ourselves any trouble about a thing of no benefit to the Hospital ; and *wrong* to do a disobliging thing to the College of Surgeons, or to any individual in it. As Managers of this Infirmary, we can have no interest and no wish to give offence to a respectable society, on whose good services, in whatever way the duty may be shared among its members, we must rely for the discharge of an essential part of the duty of the Hospital. As an individual, it is clearly my interest, and certainly is my wish, to live on good terms with every surgeon in Edinburgh ; with some of whom I must meet every day of my life in the exercise of my profession ; often with many of them in a day. I neither have, nor can I have, on this occasion, any motive for what I urge so strongly, but honest zeal for the safety and welfare of the sick poor in the Hospital entrusted to our care. There is not one surgeon in Edinburgh whom individually I wish to see excluded from the Hospital ; nor even one, whom from personal favour or private good opinion I wish to see appointed permanently one of the Surgeons to the Infirmary in preference to his professional



fional brethren. Indeed, my conduct towards them, through the whole course of my life, has been such, that I am confident, not one of them will do me the injustice to suspect me of entertaining such an unworthy purpose. Nay, further, it is but honest to declare, though it must appear a very strange avowal from one of my profession, that I am no judge of the qualifications of surgeons. I was not bred a surgeon; and though I was obliged, as a student, to learn the general principles of surgery, as other physicians do, I never liked to see the practice of it. I never am present at any operation in private practice, unless at the patient's particular desire; of course I see such operations very seldom. Though I have been intimately connected with the Infirmary as a clinical professor for more than three and twenty years, I have not during all that time been present at a public operation in the Theatre, where the junior Surgeons chiefly operate, but one day; and this I believe full twenty years ago; and not to see any of them operate, but to see the celebrated *Baron Wenzel* operate on the eye. The consequence is, that of the junior surgeons in Edinburgh, (counting downwards from the middle of the list), there is *not one* whom I ever saw perform any greater operation than a common blood-letting. Of course I know no more of their real and comparative merits than I do of the qualifications of the surgeons of Paris or of Vienna. On this account, as well as to preclude all suspicion of any sinister motive on my part for what I am at present doing, I declare once for all, that I will take no concern directly or indirectly in the choice of Surgeons to the Infirmary, when the rational system of selection and permanent appointment shall be established. I take it for granted, for very obvious reasons, that probably from the first, and certainly very soon, the selection must be made from among those junior surgeons, with respect to whom my opinion or vote could have no value; while on the contrary the with-holding of

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it, and keeping strictly to the general principle, as I have here done, may be of real use.

If the bargain with the Surgeons in 1738 be *good* for the patients, we ought to adhere to it, and to wish them to adhere to it, whether it be formal and legally valid or not. And whether it be *good*, or only *indifferent* to the patients, we can have no claim in equity, nor any rational wish to get rid of it.

But if it be really *bad* for the patients, as I have stated, and endeavoured to shew, that it is, then, in point of *equity*, it ought to be annulled; although in point of law and words, it were as formal and as solemn as the Pragmatic Sanction.

I conceive it *should* or *must* be reduced, on this plain and obvious principle, That in the contract made between the Managers and the Surgeons, the *interest* and the *rights* of another set of men, I mean the patients admitted into the Hospital, have been *overlooked* and *violated*.

Every such contract, whoever are the parties in it, is reprobated in law as a *pactum illicitum*. It is *barely possible* that such a contract ever should be pleaded in a court of justice, on account of the turpitude at least, if not the guilt implied in it. If it were pleaded in court, it must be annulled at once with indignation, and censure, if not punishment, of one or both parties.

Without pretending to any skill in law, a man may be supposed to know that the most formal and solemn contract that two individuals can make to do harm to a third, for example, to murder, or rob, or cheat him, is *ipso facto* null and void; that it *cannot* be enforced by law; and that either party adhering, or attempting to adhere, to such a contract, would be severely punishable.

Nor can I believe that the case is essentially different with respect to any contract, however formal, between two societies of men, or bodies corporate, which contract, either directly and avowedly, or indirectly by its natural and necessary consequences,



trenches on the interests and natural rights of any individual, or any set of men, or of mankind in general.

For example, If the Royal College of Physicians and the Royal College of Surgeons in Edinburgh should enter into the most solemn contract with one another, obliging themselves, individually and collectively, under very heavy penalties, never to visit a patient more than once in a day; and never to visit a patient after dinner, which certainly would be a great relief to us all, as well as to our coachmen and horses; surely such a contract could never be valid or enforceable by law. I am convinced, that on the first mention of such a contract in a court of justice it would be laughed at, and annulled at once.

Nay, if both parties were willing to adhere to it, I suspect that any individual who found himself hurt by it, or the public prosecutor in name of the community at large, might prosecute the Doctors and the Surgeons for entering into such a contract, or conspiracy; and that the instant annulling of their contract, with the additional arguments of fine and imprisonment, would soon convince them of the iniquity, as well as the absurdity, of what they had been doing.

Such a decision, I conceive, must result necessarily from the self-evident *interest and natural right* of every individual patient, and of every person who has a chance of becoming a patient, that is, of all mankind, to the best assistance which can be given him by his physicians or surgeons; and the corresponding duty of these, to give to their patients the best help which they can give, and which their patients need; whether it be by seeing them once a day, or once in seven days, or seven times in one day.

On the same principle of the plain interest and natural right of mankind to the best medical help they can procure when sick, and the corresponding duty of physicians and surgeons, there can be no doubt that any contract between a physician and a surgeon, on every

every occasion to recommend one another, and to prevent, or endeavour to prevent, the calling in any other of the profession, would be null in itself, as well as illiberal and disgraceful to those concerned in it. But a formal solemn contract between the two Royal Colleges, on the plausible principles of Equality and Fraternity, by which every individual member of the one engaged, under a heavy penalty, to recommend and call in by rotation, for two months at a time, every individual member of the other, besides being equally null in itself, is so extravagantly absurd, that to consider it minutely, would require more time and pains than such an illustration can deserve. Yet it would not be more absurd or iniquitous, with respect to patients in general, than the real contract between the Managers and the Surgeons is with respect to the patients in the Surgeons Wards of the Royal Infirmary.

I am fully sensible that I am nowise qualified to do justice to the strong argument which I have here in view. To discuss it properly, so as to make the most of it, would require the talents, the knowledge, and the professional habits of an able and experienced lawyer. It would even be of material consequence to have it expressed with due precision and caution, and in proper legal terms; which as I know I cannot do, I will not even attempt; sensible as I am, that, by such a foolish attempt, I should not only bring ridicule and reproach on myself, but probably injure the good cause which I wish to serve.

Yet, trusting to the candour and indulgence of the Managers, and of any respectable lawyers whom they may choose to consult, I shall state my view of the question, not as a legal argument, but as the rude materials for such an argument, which any lawyer can easily put into proper legal form, so as to judge at once whether it be valid, or decently tenable, or not.

I know I can make myself perfectly understood by lawyers on such a point; for I happen to be, from choice and taste, as well ac-



quainted with the principles of strict reasoning (or what is called logic) as they are professionally, and by a kind of necessity and habit. I know likewise that the ultimate general principles of strict good logical reasoning, are, and *must be*, the same at all times, and on all subjects whatever; for example, the same in Scotch law at present, as in Greek mathematics 2000 years ago. I know likewise, that, except in mathematical science, there is no subject of reasoning, in which the real use and strict application of the principles of logic have been so well exemplified, and so much attended to, as in law. The *argument* of an able lawyer, in point of strict reasoning, is scarce inferior to the demonstrations of *Euclid* and *Archimedes*. And if every cause had a *right* side, (which I believe is not the case), and if an able and well employed lawyer always got the right side of every cause that he undertook, (which I presume is impossible), such a lawyer would be not only as *strict*, but as *candid*, and, in every respect, as *good* a reasoner, as a mathematician, who is always engaged in the discovery of truth, and who knows that he never can establish what is false; or obtain, as an able lawyer may often do, a wrong decision.

I know likewise how lawyers come to be good reasoners; not as a part of science, which in general they despise, and know nothing about; but just in the same way as an ancient sage observed, that many rich idle profligate young Lords and Princes, who could do nothing else well, and would learn nothing else, yet learned to ride well, *because their masters did not flatter them*. Our lawyers find the best logic-masters in their opposite counsel, who will no more flatter them, than as many vicious horses would do, if the young lawyers should dare to bestride them, without knowing how to ride.

I know likewise that there is no mystery or witchcraft in logic. When stripped of the uncouth and barbarous terms in which it has commonly been taught, or rather involved and concealed, it is perfectly intelligible, and satisfactory at once to every man of sense.

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For nothing is good reasoning or sound logic, because logicians have been pleased to call it so; but logicians have ascertained and established many fundamental principles of strict and good reasoning, because, on the most careful examination and repeated trials, they have uniformly been found satisfactory and irresistible by all men of sense.

These preliminaries I have thought it necessary to premise, before I state *logically* that argument, which I am unable to state *legally*, for want of sufficient knowledge of the language of law.

The Managers will naturally apprehend, that I, an academical and speculative man, am more likely to mislead them, than to afford them any useful light on a nice and difficult subject, far remote from my own profession and habits of life.

But of that there can be no danger. For, in the first place, they can easily judge for themselves whether what I suggest to them be *sense* or *nonsense*. If it be *nonsense*, they have no more to do with it. If it be *sense*, then it must be the business of an able lawyer to judge whether it be or be not inconsistent with any established point of law. If it be so, that point of law will of course be stated to us by our counsel; and we must consider what is next to be done.

If my logical argument be *sense*, and be not inconsistent with any established point of law; then our counsel may either avail themselves of it, putting it into proper legal form and language, or employ such other better arguments as their own superior knowledge shall suggest to them; so that my hints *may do good*, and certainly can do no harm.

My mode of reasoning on the subject is this.

Our general proposition is, "The contract between the Managers and the Surgeons must be reduced, because it is very bad for the patients." This it is incumbent on us to prove; for, however plausible and rational it may appear, it is not, in strict logical



logical propriety, what is called a self-evident truth; like the propositions, "A part is less than the whole;" "A man cannot be in two places at once;" which it is plain can neither require nor admit of proof.

Our proposition cannot be proved by testimony; for it is not a mere matter of fact, which men may know by the evidence of their senses; like the fact that a person was generally believed the son of another person, or was or was not in Edinburgh on a particular day. Numberless such facts, though remote from common observation and knowledge, may be well known to many individuals, competent witnesses, whose testimony would establish them in the most satisfactory manner. But our proposition can neither be proved nor disproved; that is, neither *it*, nor the *contrary* of it, which contrary we must suppose the Surgeons to maintain, can be established by any such evidence or testimony.

Such a general complicated proposition as ours, (or its contrary), involving judgment, opinion, or inference, in point of law as well as of logic, can be judged of, and proved or disproved, only by resolving it into the *three* distinct propositions of which it consists, and which, stated separately and distinctly, constitute what is called in logic a syllogism or strict argument.

These three propositions are, 1. The more general one, called in logic the *Greater*.

2. The particular one, called the *Less*.

3. The conclusion, which, if *just*, follows evidently and necessarily from the other two; and, if *not just*, will be perceived at once not to follow from them.

In legal arguments, when resolved in that way into the form of regular syllogisms, the first or *greater* proposition is the *law*, (real or supposed), whether common law, or statute, or precedent, or some general principle of law or equity. The second or *less* proposition,

position, is the fact, (real or pretended). The conclusion, is the decision or judgment prayed for.

It is only with the two former propositions that lawyers have any trouble, and often they have a great deal of trouble to establish one or both of them; but this being done with respect to both of them, the greater and the less, the conclusion follows of course. None of us surely ever heard of a lawyer so ignorant of his own trade, as well as of logic, that, granting him both the law and the fact as he stated them, he would not be entitled to a decision in his favour.

Our general proposition, when resolved into a syllogism, in the manner and on the principles just now stated, which I am sure every lawyer, as well as every logician, will admit to be right, would stand thus:

1. Every contract between the Managers of the Infirmary and the Surgeons, with respect to their mode of attendance in it, which is *bad* for the patients, is unjust in itself, and ought to be reduced.
2. The present contract between the Managers and the Surgeons, by which every Member of their College is entitled to attend in the Hospital by rotation, is *bad* for the patients.
3. Therefore the present contract between the Managers and the Surgeons is unjust in itself, and ought to be reduced.

About the validity of this conclusion I shall give myself no trouble, being perfectly certain that no logician, or lawyer, or judge, or man of sound judgment, who understands and admits the two former propositions, will dispute it.

It must be one or both of the two former propositions; the greater, general, proposition, or law; and the less, particular, proposition, or fact; that any person *can* dispute. Both of these we must prove, before we can establish that conclusion for which we contend.



As to the second of them, the *less*, or the *fact*; like every other matter of fact, however general, and however much involving comparison, and judgment, and professional knowledge, and experience, and opinion, it can be proved in a satisfactory legal manner in a court of justice, only by proper testimony of a sufficient number of competent witnesses; that is, witnesses not only of good character and good sense, but of professional knowledge and experience, well acquainted with the subject, and well qualified to judge of it.

On this kind of testimony in all professional questions, the highest courts of justice, and the legislature itself, on the most important occasions, are well accustomed to rely.

On the present occasion, the important general fact which I have stated, may be established at once, and with the utmost ease, by the most ample and unimpeached testimony. A cloud of witnesses may easily be produced, whose concurrent testimony will fully confirm, and illustrate, and enforce all that I have said of the evils resulting from the system of rotation. The witnesses that I should propose to call to prove the fact in question are chiefly men of the medical profession, and especially the *individual Members of the College of Surgeons themselves*, who have actually attended by rotation in the Hospital. To their testimony surely no objection can be made in any respect; and I do not believe there could be any essential difference among the answers which would be given separately by them all, to a few plain, fair, precise questions relating to the general fact at issue.

The view which in the former part of this Memorial I have given of the evils *necessarily resulting* from the system of rotation, is by no means *inconsistent* with this mode of establishing by ample testimony that such evils have *actually been experienced* from it.

The relation between the two modes of proof is somewhat particular, and may deserve attention.

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The former is a kind of *argument* founded on some of the most obvious and undeniable principles of human nature, and will be found satisfactory and convincing to all men of competent understanding and knowledge, who are accustomed to attend to general views, and deductions of reasoning, even though very little or not at all acquainted with numberless minute particulars relating to the practice of surgery in an hospital, which must be familiar to professional men, and which none but professional men can properly judge of. It partakes of the nature of *demonstration*; and, in point of force, approaches very near to it. It is a proof *independent* of experience, and which might have been given *prior* to experience, that such evils were *to be expected*, and *must result* from the system of the surgeons attending by rotation. I conceive it to be so very nearly a perfect demonstration of the general truth which I wish to establish, that, like the most perfect demonstrations in science, I mean those of mathematics, it cannot be shaken or invalidated by any force of testimony: nor, *strictly speaking*, can it be *confirmed* by testimony.

But it by no means precludes testimony, either of the general nature and greatness of the evil in question, or of the particular experience, observations, and sentiments, of many individuals, the most competent judges, and the most unexceptionable witnesses with respect to it.

Far from wishing to make such an use of the general argument as to supersede all particular testimony on the subject, I should wish only to make an almost opposite and very modest use of it; to show the justice and reasonableness of our being allowed to prove, by competent testimony, the reality and the greatness of the evil whereof we complain, and of the nature and source of which we can give beforehand such a distinct account, and such plausible evidence.

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That kind of evidence, supposing it only plausible, may be confirmed; if it be valid, as I believe it is, it cannot be refuted by any force of testimony.

My meaning and purpose in this distinction I hope will be easily understood: if I have not been fortunate enough to explain myself sufficiently in general terms, I shall endeavour to make my meaning plain by a particular example and illustration.

It is usual in trials for murder, to prove not only that the accused person inflicted a wound on the deceased and supposed murdered person, or gave him poison; but also that the wound so inflicted, or the poison so given by the accused, was *the cause* of the other person's death: else the crime of murder would not be proved against the culprit.

That essential point, of the wound or the poison being the cause of the death of the person to whom it was given, which, in strict propriety, is but a *matter of opinion*, founded on some degree of knowledge, more or less particular or general, of human nature, and of the effects of such causes, is usually established by the testimony of surgeons and physicians, whose education and professional habits entitle them to the credit of knowing more of such things than other people do.

In some cases the question of fact or opinion, to be decided by the testimony of the gentlemen of the Faculty, is very nice and difficult: they may give different or contradictory testimonies with respect to it; or they may all agree, when separately examined, in declaring on oath that they think it a very doubtful matter.

But in many cases the Faculty are, and *must* be unanimous in their clear and decisive testimony, that the wound inflicted or the poison given was certainly the cause of the death of the person deceased.

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For example, when a man, just before, to all appearance, in perfect health, is shot through the head with a pistol-bullet, or is stabbed to the heart with a sword or a pike, and dies immediately; or when such a man gets a quarter of an ounce of arsenic mixed with his food, and dies in a day or two with symptoms of most violent disorder in his stomach, and when on opening his body some portion of the arsenic is found in his stomach, and his stomach itself is found to have been inflamed and mortified; in such cases there can be no real difference of opinion among the Faculty. Every intelligent judge, or juryman, or lawyer, and indeed every man of competent knowledge of human nature, or what we call common sense, could at once anticipate the answer which every man of the medical profession would give to any question put to him concerning the *cause* of the death of a person who had received such a wound, or swallowed such a dose of poison.

Nay more; if any medical witness, when examined in such a case, were to give a contrary testimony, this would excite immediately the greatest astonishment, perhaps even some indignation, and much distrust; and certainly would bring upon him several very pointed questions concerning the reasons of his very singular opinion: by his answers to which it would soon appear what regard was due to his testimony, and what opinion ought to be entertained of himself.

I should suspect even, that, in such a case, though no medical witnesses could be found, the evidence, on the plain principle of common sense, would be deemed complete as to the *cause* of the death, supposing only the fact, of the inflicting of the wounds, or the giving of the poison, to be established by competent evidence. I am sure it ought to be so.

Nay more, in the case stated, if ten or a dozen medical witnesses were produced on the trial, and all of them, when examined, declared upon oath, that the shot through the head, the stab through



the heart, or the dose of arsenic taken into the stomach, was *not* the cause of the person's death, or at least in their opinion was not so; I suspect their testimony would go for nothing, and that the gentlemen of the Faculty would find themselves in a very bad scrape, unless they could assign strong reasons for holding an opinion so repugnant to general experience and common sense.

The general notion which the more judicious and better informed part of mankind have of such things, though in one respect it renders superfluous, by no means supercedes the production of proper testimony with respect to them in any formal judicial proceedings. On the contrary, it suggests the proper questions to be put to witnesses; *first*, As to their opinion or belief; *secondly*, As to the reasons or ground of their belief; which reasons it is as important for the court to know as their belief itself.

Now the application of all this to our case is plain and obvious.

The general notion which the more judicious and better informed part of mankind entertain with respect to what is *good* or *bad* for the patients, in the mode of attendance of hospital-surgeons, is as uniform and clear, as well established, and as well known, as their general notion and belief with respect to a mortal wound, or a deadly poison.

It has been testified, times innumerable, in the most public and authentic manner.

The permanent appointment of surgeons and physicians in other hospitals; the express terms of our charter; the original appointment of a few permanent Surgeons to this Hospital; the means by which it was overturned; the permanent appointment of two Physicians to this Hospital, after twenty years experience of the attendance of all the Fellows of their College in rotation; the attempts, however feeble and ineffectual, which, after many years sad experience of it, have been made by the Managers, to get rid of the attendance of the Surgeons in rotation: all these things

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shew beyond dispute what the general opinion of such a mode of attendance has been."

I have taken care to specify most precisely, and to illustrate very fully, the reasons of that general opinion and belief.

I am prepared to support it by most ample and unexceptionable testimony. I have very strong reasons, and I have mentioned what my reasons are, for thinking that no contrary testimony ever will or can be given. But if, contrary to all reasonable expectation, any such contrary testimony should be given, the simple and obvious expedient, which is fully warranted by law and general practice, of asking the reasons of such a peculiar belief, will soon ascertain what regard is due to such testimony; just as would happen, by the same means, if any strange testimony, inconsistent with general experience and well-established belief, were given with respect to the effects of arsenic, or of a shot through the head.

With these remarks I end the consideration of the *second* or *less* proposition of our *syllogism*, "That the present mode of the attendance of the Surgeons by Rotation is very bad for the patients." Those whom it concerns, may, as they shall think best for *their* cause, either admit it, which will save some trouble, or deny it, and let it come to proof, which will establish it more fully and more strongly than the arguments, the illustrations, and the declared belief or testimony of any one individual can be expected to do.

S E C T I O N V.

IT remains for me next to consider and to prove the *first* or *greater* proposition of our *syllogism*, "That every contract between the Managers of the Royal Infirmary and the Surgeons, with respect

" to



“ to their mode of attendance in it, which is *bad* for the patients, “ is unjust in itself, and ought to be reduced.”

I am aware that this is the most important point in our cause, and the most difficult proposition in our argument.

But it is, I presume, one great step towards gaining our end, to show, as may easily be done, and I trust is already done in this Memorial, that the contract in question, whether directly repugnant to any law or not, is at least absurd, unjust, and cruel. Nothing less than direct and positive experience, I mean the solemn decision of a court of justice, can make me believe that the law of this country will ever sanction absurdity, injustice, and cruelty, by confirming such a contract.

I conceive it is something even to have shown, that, in order to support, or contend for such a contract, it is necessary to deny directly, and in plain terms, the seemingly self-evident truth, which I am now to consider and to establish, as the *greater* proposition of our strict argument, or the law in our cause. To *deny it*, is, in other words, to *assert* the very shocking proposition directly contradictory to it, “ That a contract between the Managers and the Surgeons, though bad for the patients, cannot be “ reduced, and is not unjust.”

I do not believe, nor, without positive experience of the fact, can I ever believe, that any individual, or any set of men will explicitly avow and assert such a proposition. Not therefore as meaning to impute it to the Surgeons, but as obliged in the conduct of this argument, to take nothing for granted that can either require or admit of proof, and especially to take nothing for granted that is favourable to our cause, I must consider it as what may be maintained by them, or in their name by their counsel learned in the law; with whom it is a point of honour, and indeed of professional and moral duty, to give up *no* argument, however unpopular, ungracious, or shocking, which can avail their clients.

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In this case, to give up *that* ungracious argument, would be to give up their cause altogether; for we know already, and many or all of them know as well as we do, and are as ready to acknowledge as we can be to assert, that their attendance in the Hospital by rotation is *very bad* for the patients. This being either admitted, or proved, there remains no other argument or plea on which they *can* rest their cause, except the very shocking one to which I here allude.

This is one of the advantages which we gain by dividing or resolving the general complicated argument into its simple, essential, constituent parts. But when we do this, we must be prepared, not only for what probably will be maintained, but for the *worst* that by any means *can* be maintained against us.

In the first place, I must observe, that the proposition which I have now to establish, "That every contract between the Managers of the Infirmary and the Surgeons, with respect to their mode of attendance in it, which is bad for the patients, is unjust in itself, and ought to be reduced," appears to me a *self-evident truth*.

I conceive it to be so plain a truth as can scarce be supposed to require, though indirectly it may well admit of proof; but withal of such a kind that it may not only admit of, but require very mature consideration and ample illustration; for as it is very general in its nature, and extensive in its application, no man of sense ought to admit it as self-evident, without first examining it carefully; and as it is no common, it cannot be an easy, object of attention.

I trust it will appear plain and evident to all who shall consider it carefully, and especially to lawyers and judges, if they attend strictly to two things; *first*, To the charitable end and purpose for which this Infirmary was established, and the strict limitation of the powers of the Managers, by the express terms of our charter, to such things as may best conduce to that charitable end and purpose;

2dly,



2dly, To what that *badness* is to which I here allude, which I have already in some measure explained, and which I undertake to prove and establish by the most decisive evidence.

The *badness* in question is not like the badness of a mercantile transaction, implying or consisting in *loss* where *profit* was expected; it is no kind of pecuniary loss by a disadvantageous or foolish bargain. It is *badness* relative to something of much higher importance and more interesting concern, which never can be appretiated in money; and which, if with-held or impaired, cannot be compensated by money; it is *badness* relative to that assistance which ought to be given to numberless individuals, poor and unhappy, in their utmost need, when health and life are at stake with them; *that* health and *that* life, which are their little all; on which they and their families must depend for their support; and which are inestimable to themselves, to their families, and to their country.

No pecuniary advantage to the funds of the Hospital can compensate such badness, or such want of the best assistance which can be procured.

The Managers surely are not only trustees for the property of the Hospital, but also guardians of the health and lives of the poor and unhappy who are admitted into it. This is their first and supreme duty, to which the other part of their office is evidently subordinate. For that purpose unquestionably the Hospital was instituted; and to it the funds of the Hospital are destined. Nor are the Managers entitled to barter the health or life, or even the chance of the health or life, of one poor man, for any sum of money that *can* be offered them.

If it were proposed in any contract with the Physicians or Surgeons, to express, in plain terms, that, in consideration of a certain sum of money paid by them to the Hospital, the Managers, on their part, agreed to accept from them *worse* or *less good* professional assistance to the patients, than they had had from them before;  
just

just as the Managers may agree to accept of  $4\frac{1}{2}$  instead of 5 per cent. for L. 1000 lent out on good security ; the absurdity, injustice, and cruelty of such a contract must, I think, be glaring and shocking. I cannot believe that any set of Managers, or Physicians, or Surgeons, would ever make, any Lawyer ever sanction, any Court of Justice ever tolerate, such an abominable contract.

Is a contract more tolerable, more tenable, or less cruel, less unjust, less absurd, which, without expressing in words that hateful condition, necessarily implies it in fact ?

I understand and admit, that the Managers of the Royal Infirmary, by their charter, have as full power as any other incorporation, or as any individual, to make contracts with other incorporations, or with individuals. I conceive that a deliberate formal contract between them and the Surgeons, relative to property, whether advantageous to the Hospital or disadvantageous to it, must be as valid, as such a contract between the Royal Bank of Scotland and the Good Town of Edinburgh, about the loan of a sum of money.

But the patients in the Royal Infirmary are not the property of the Managers, nor of the Surgeons either : nor can they ever be made property, or sold or bartered as if they were : nor can the Managers ever acquire a right of disposing even of a single limb of a poor man admitted into the Hospital, to the highest bidder among the Surgeons, or to any bidder, on any other principle or consideration, or for any other purpose, but for the utmost benefit which can be procured for that poor man, according to the best of their judgment.

So far are the *patients* in the Infirmary from being the property either of the *Managers*, or of the medical gentlemen employed by them, that on the contrary the Managers are a kind of trustees or agents for *them*, expressly for the purpose of procuring them all the comforts and benefits which can be procured and are most needful



to them; and, above all, the best medical assistance: and the Physicians and Surgeons employed by the Managers to give their professional assistance to the patients in the Hospital, are, to this purpose and effect, as much the *servants* of those patients as they are of their richest patients in private practice, who pay them the most liberally for their services. They owe just the same care and attention and assistance to a poor man in the Hospital, as to a rich Lord in a palace: and would be just as blameable, and as criminal, if they voluntarily neglected any part of their professional duty to the poor man, as if they did so to the rich.

Perhaps it will be thought to favour too strongly of the pedantry of my own profession to say, that I conceive the *duty* of the Managers of the Hospital to the patients admitted into it, to be very near akin to that of a physician to his patients. Nevertheless, as the latter is precisely defined, and well and generally understood among physicians, and even familiar to every man of competent judgment and knowledge though not of the medical profession; and as it serves better than any thing else which I know of, to explain what I have here in view; I shall venture to make use of it to illustrate and establish the proper notion of the former duty; that of the Managers of the Infirmary, the nature of which is less generally understood; as might naturally have been expected, for a very obvious reason, that it is not a common object of attention and experience.

What I have particularly at heart is, to shew, that belonging to certain professions, or stations, or offices of trust, there are certain *duties*, which in their own nature, or from the nature of things, are *supreme* and *indefeasible*; which no individual, and no set of men, can, either for themselves or their successors, violate, or renounce, or neglect, without substantial *injustice*: such injustice as law might prevent, or undo, or perhaps punish, but never can be supposed to sanction and enforce. Consequently, every contract implying such violation

violation or renunciation of duty, and such substantial injustice, must be null and void, and must be reduced or set aside by a court of justice.

The duty of a physician to his patients is expressed (in the *oath* taken in this University by those who are promoted to the degree of Doctor of Medicine, implying always a general licence to practise physic) in the following terms: "To practise physic, cautiously, chastely, and honestly; and faithfully to procure (or do) all things conducive to the health of the bodies of the sick; and lastly, never, without weighty reasons, to divulge any thing which ought to be concealed, that he heard or saw in the exercise of his profession."

The same or a similar oath, which is taken in substance from the oath proposed by Hippocrates more than 2000 years ago, I believe, is administered, in all universities where medicine is taught, to those who are created Doctors, and licensed to practise. But even if it were omitted, as I suspect it is in some places, it makes no difference as to the *supreme and indefeasible duty* of a physician to his patients, implied by the very act of his practising as a physician. In common sense, and justice, and I should think in law too, he is bound to do all those duties to the utmost of his power. He would be blameable, and in many cases, I think, would be severely punishable, if he did not. But in no case that I can suppose, can I conceive that he can legally or justly violate, or neglect, or renounce, any one of those duties; all of which every patient expects, and has a right to expect, and to receive from his physician. Any contract to this effect, even for value received on the part of the Doctor, I should think not merely an absurdity and a nullity, but a downright outrage on justice and common sense; nor can I conceive that such a contract should ever be brought into a court of justice, unless at the instance of the injured patient, in order to



get one or both of the contracting parties severely punished for their knavery.

Even the *least* of the duties of a physician which are specified in our oath, and universally understood, independently of any oath, to be the *duty* of a physician, and consequently the *right* of his patients and their families, I mean secrecy on his part with respect to every thing seen or heard by him in the course of his professional attendance, which ought not to be divulged, can never be justly or legally renounced or violated by any contract, for any consideration whatever, even in a single instance, either to gratify a curious impertinent, or to serve the interested purposes of a selfish knave. Surely no lawyer will ever maintain that such a contract could be enforced by law, or, without the most ridiculous absurdity, be even pleaded in a court of justice.

Yet *that* duty, I think, may fairly be called the *least* of them; not only as being the least important of them all, but also on account of this obvious consideration, that it evidently is not *supreme*: there are other duties, of higher authority, to which *it* must yield, whenever it happens to be opposed to them. To such superior duties the clause in that part of our oath which relates to secrecy, "never *without weighty reasons* to divulge," evidently relates; and expressly admits an exception in favour of them. For example, when in the course of judicial proceedings the testimony of a physician is required, perhaps with respect to such things seen or heard in the course of his practice, as it would have been most his *wish*, and, but for his being called on as a witness, it would have been most his *duty* to have kept concealed; it instantly becomes his *superior* or *only duty* to declare them fully, perhaps in open court. Even though not called on as a witness, if at any time he knows that his divulging such things, as but for strong reasons he ought to conceal, would do any substantial good, or prevent any great evil, which is nearly the same thing, it is unquestionably his *duty* to divulge

vulge them. The only difference that I can see between the two cases is, that, in the former, when called on as a witness, he has no choice, no opportunity for deliberation, or exercise of his own judgment and discretion, and consequently no kind of responsibility for what may come of the testimony legally required of him. In the other case, when he acts voluntarily, he is in some measure responsible for the consequences of his breach of that secrecy, which, in general, is expected of him, as his professional duty. If he acts uprightly, to the best of his judgment, I conceive his probity cannot be impeached, but his judgment may; if he acts rashly and foolishly in so important a concern, and if his rash and improper conduct, though well meant, has been injurious to others, he is certainly in justice bound, and, I presume, might be compelled by law, to make them adequate compensation.

But a contract or obligation, for value received, to make known, even to one individual, those family-secrets which a physician may often know, and ought in general to conceal, is not only null and void, but *criminal*; as being a violation or renunciation of a moral and professional duty; and every particular act done in consequence of it would be punishable; and the doer of such a wrong would be obliged to make reparation to the injured party. Nay, if he should escape legal punishment, because the injured party would not prosecute, the mere general knowledge that a physician had made such a disgraceful contract, would soon bring upon him a most effectual punishment, and one which would put it out of his power to fulfil his shameful bargain.

It would no doubt be thought mere trifling to consider minutely the supposition of a contract made by a physician, for any value received, to violate his professional duties of practising physic *chastely* and *honestly*; or to set about shewing the absurdity, the nullity, and the criminality of every such contract; for chastity and honesty are general moral duties, not peculiarly belonging to any one profession, and,



and, however often violated, at least abundantly well understood by all mankind. An obligation or contract to act as a knave can scarce be conceived; and still less, if possible, can it be supposed to be enforced by law.

But I must beg leave to consider the *duty of caution* in his practice, as one peculiar to a physician; one very important in itself, yet not strictly definable, forasmuch as it admits of considerable latitude, and even some deviation from what is understood to be the strictest caution; while yet any great, voluntary, unnecessary, or systematic violation of it, is notoriously wrong at least, if not criminal. Above all, I think it deserves attention, on account of its striking affinity to one great part of the duty of the managers of an hospital; which duty they can no more renounce or legally violate, with respect to the sick poor admitted into the hospital, than a Physician can by contract divest himself of his duty of caution in his practice with respect to any one, or all of his own patients, either in the hospital or in private practice.

By *caution* on the part of a Physician in his practice, nothing can be meant but *care not to expose his patients to any unnecessary danger*.

It is not, I trust, supposed by any person of competent knowledge and understanding, that either physic or surgery can be practised without *some danger* to the sick.

It is avowed that many operations in surgery are immediately dangerous to life. And even in the practice of physic, it must be admitted that many of our most powerful remedies are in some measure dangerous. The more powerful they are, that is, the greater effects they produce on the human body, the more dangerous must they become when they are improperly used; when such effects as they produce are either not wanted, or cannot be borne. The precarious effects of many remedies, sometimes great, sometimes scarce perceptible, different in different individuals, nay often in the same individual

individual at different times, greatly increase the danger of the practice of physic.

The great and urgent danger in many diseases requires indispensably the immediate use of very dangerous remedies ; and of these often in very unfavourable circumstances, where we have but a small chance of doing good by them.

The want of such powerful and certain remedies as abound in every newspaper, and can be found nowhere else, for many painful and mortal distempers, leads us most justifiably, and almost inevitably, on many occasions, to try new remedies ; which either our own reflections and reasonings suggest to us as proper, and at least worthy to be tried ; or which are recommended to us in such cases by the testimony of others, on whose veracity, and judgment, and knowledge, we can rely. Such *experiments*, in numberless cases, are not blameable, for they are necessary : *sic enim medicina orta ; subinde, aliorum salute, aliorum interitu, perniciofa discernens a salutaribus.*

The more powerful any new remedy is, the more dangerous will it be ; especially till all the circumstances relating to the administration of it are well ascertained.

From all these causes combined, there results much inevitable danger in the practice of physic. From this acknowledged danger results the important duty of caution in a physician, or care to make the danger as little as possible.

What then, it may reasonably be asked, is the degree or measure of that caution which is the duty of a physician ?

I have never known, nor can I well conceive, any other rule of conduct on this nice medical point, but the simple and comprehensive religious and moral precept, “ *To do to others as we would that they should do unto us.*”

Nothing can be easier than to apply this maxim in the practice of physic. Whatever a Physician or Surgeon does, or advises to be done, honestly intended for the good of his patient, and what he would



would wish to be done to himself, or to those who are dearest to him, if he or they were in the same situation with his patient, is not only innocent on his part, but right, and what it is his bounden duty to do, whether the danger of it be greater or less. The remedy advised by the Physician may be a severe and dangerous surgical operation; it may be a violent and precarious medicine, the danger of which had been long known; or it may be a new, and rough, and seemingly dangerous piece of practice, of which he had had no experience, but which he proposed to try, on the recommendation of others, or from some uncertain notion of his own, concerning the nature and cause of the disease, and the means most likely to remove it. Yet the remedy, with all its danger, may be the best or only chance, or, what comes to the same thing, the only chance known to the Physician, which the patient has for his life. It is equally the *duty* of the Physician to give him that chance, whether it be 100 to 1, or only 1 in 100 in his favour.

There may even, in many cases, be peculiar merit and virtue in the conduct of a Physician, who employs a very dangerous remedy, in order to give his patient a *chance* for recovery, in a situation otherwise almost or altogether hopeless, forasmuch as he does it at the most imminent risk of his own fame and fortune. In such circumstances, it is much more probable that the patient will die than that he shall recover; and it is always possible, and often very probable, that he shall die evidently in consequence of the operation performed, or by the violent effects of the remedy employed. Whenever this is known to happen, a very respectable majority of mankind, taking them by tale and not by weight, I mean the vulgar, the ignorant, the envious, the malicious, and the interested, will not fail to blame the Physician for the death of his patient.

It is the urgent necessity of the case, and his upright intention

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of doing what was best for his patient, which alone can be his justification.

If he administered or prescribed such a medicine with intention to kill the person to whom it was given, and this person died in consequence of taking it, the Doctor would certainly be guilty of wilful murder.

If, without necessity, he gave such a dangerous medicine to any patient, merely to gratify his own curiosity, or zeal for science, as he may choose to call it; for example, in order to try the effects of new medicines, or to ascertain the comparative advantages and disadvantages of some new modes of practice, either contrived by himself, or suggested by others; he would be guilty of a very high misdemeanour, and a great breach of trust towards his patient; for which, I presume, he might be severely punished, especially if the latter died, in consequence of such a dangerous experiment tried on him, without his knowledge, and without necessity.

Such of the Managers as are of the medical profession cannot fail to know, but others of them may need to be told, that there is a kind of disease or craziness on this point among many physicians, who are in other respects men of talents, and of real worth. But from an excessive zeal for their science, and in some cases, as I suspect, from an erroneous or very confused notion of what constitutes medical science, they are always making experiments, yet never make any discoveries, always proposing new remedies and new modes of practice, yet never make any improvements.

Those to whom this subject is new may form some notion of the ardent zeal of some of these votaries of medical science, and may be entertained as well as instructed, when they are informed that many of them have long persisted in trying severe and dangerous experiments on their own persons: That one of them, wishing to ascertain the medicinal effects of camphor, took at one

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dose such a quantity of it, that his senses failed him, and he was very near dead; and must have died in good earnest, but for the lucky accident of the Physician who was called to his assistance when he was speechless, casting his eyes on the papers which lay on his patient's table, and which contained an account of the experiments that he had been trying: That one of the most eminent Surgeons, and most ingenious men, that this age or country has produced, deliberately inoculated himself, by means of a lancet dipped in the *proper* matter, with the venereal disease, and kept himself thoroughly tainted with that loathsome distemper for about *three years*, that he might have the satisfaction of observing the regular progress of it through every part of his body: That another very ingenious man of our profession, in order to ascertain the effects of different kinds of food on the human body, lived for two months or more on bread and water; then for some time on roast goose; then on fuet; then on sugar; and at last fairly died upon Cheshire cheese. But hundreds or thousands of experiments, more or less severe or dangerous, have been tried by Physicians and Surgeons on their own bodies, without the least necessity, and purely from their zeal for science.

To *such* experiments, I presume, no reasonable objection can be made. If those who make them choose to go out of the world that way, I doubt whether any body has a right, and surely no body can have any inclination, to stop them. But it is not quite so clear to me that they have any right at all to send their patients out of the world that way, who, forty to one, have no such zeal for science, no ambition for that crown of martyrdom, and who probably have not the least wish to go out of the world at that time, and actually employ and pay their Physicians for the very opposite purpose.

It will naturally, and very justly, be taken for granted, that some at least of our Faculty, who are so ready to try experiments

ments on their own bodies, would be very apt, whenever they had an opportunity, to try similar experiments on the bodies of their patients. It is a melancholy truth, but it cannot be denied. All I can say for the honour of my professional brethren is, that the most respectable of them have always reprobated such conduct as severely as the rest of mankind do. Our medical phrase of reproach and contempt for it, *Corio humano ludere*, (to play with the human hide), abundantly testifies in what abomination it has generally been held by our Faculty; and it is needless to enter into particulars. But to show what I mean, I shall mention one instance, which may perhaps startle some men of weak nerves, and little used to such things. Some of the medical profession, out of pure love of science, and without the least necessity, have taken small-pox matter from the dead body of one who died of the worst kind of the disease, and have inoculated with it. A dead body, half putrid, has been dug out of the grave where it had lain for some days, and small-pox matter has been taken from it for the same purpose.

When a Physician, purely from zeal for science, tries such experiments on his patients, he surely is not *guiltless*. But what should we think of one, who, without any such burning zeal for science, and merely for value received, entered into a contract with another person of such a character, who perhaps had more experiments to try than patients to try them on, and agreed to try on *his* patients all the experiments which the other should propose to him? Surely the absurdity and nullity, as well as the injustice of such a contract, must be glaring. It is impossible that it could ever be enforced by a court of justice, or even pleaded by a lawyer; yet to improve science of every kind is laudable, especially in the way of experiment, which is the surest or only way in which the science of nature can be improved: And it is peculiarly meritorious to improve the science and the art of physic, because it is



immediately beneficial to mankind, and especially to those whom disease hath perhaps in a moment cut off from the number of the happy.

What then could vitiate a contract for the improvement of so beneficial a science in that way? Plainly this, that even so great a good ought not to be purchased or procured by the violation of a moral duty. It is right for a Physician to improve his science; but it is much more right for him to do his duty to his patients. As soon as the two *rights* are set in opposition, it instantly appears, beyond dispute, which of the two is subordinate, and which supreme. The difference in point of force or authority is infinite; the two claims admit of no comparison; the one may be enforced by law, the other not; the violation of the one *right* could at the worst be matter only of regret, and perhaps of disapprobation; the neglect or violation of the other might justly be a subject of punishment.

I trust it will not appear a paradox to say, that by such a contract as I have supposed, in which, for a valuable consideration received, a Physician engaged to try on his patients all the experiments which one of his more scientific and less practical brethren proposed to him, he could neither in conscience be expected, nor by law be required or compelled, to do any thing to his patients, but what it would equally have been his duty to have done to them, if he had received no such valuable consideration, and if no such contract had ever been made. Whatever was best for his patients, it was his indispensable professional duty to do for them. Whatever was bad, or unnecessarily dangerous for them, it was his duty not to do; and both these duties were with him supreme and indefeasible.

The application of all that I have said, with respect to the *duty* of *caution* on the part of a Physician towards his patients, is so obvious, and so easy to the corresponding *duty* of the Managers of

an Hospital, that I almost doubt whether I ought to express it in words.

Whatever it is the duty of Physicians or Surgeons to *do* to their patients, it is the duty of the Managers of an Hospital to *procure* for the sick poor who are admitted into it.

Whatever it is the duty of Physicians or Surgeons *not to do* to their patients, it is the duty of the Managers *not to permit* in their Hospital.

It would be as foolish, and as truly a moral wrong, on the part of the Managers, to forbid and prevent, in *every* case, *all* dangerous operations, *all* dangerous remedies, *all* experiments or trials of new remedies, in their Hospital, as it would be for Physicians and Surgeons to resolve *never* to perform such operations, or prescribe such remedies, or try such experiments. It is equally the duty of the Managers to procure, as it is of the Physicians and Surgeons to do whatever is *best* for the patients. Their duties are co-extended and limited exactly by the same considerations.

If the Managers, out of their abundant and very laudable zeal for the improvement of medical science, should grant a formal permission to the Physicians and Surgeons to try on their Hospital patients whatever experiments they thought requisite for that purpose, however unnecessary and dangerous to the patients on whom they were tried, there can be no doubt that those who gave, and those who accepted such a permission, and acted according to the tenor of it, would equally be guilty of a high misdemeanour; the former unquestionably guilty of a breach of trust; the latter guilty of a breach of professional duty: and if any patients chanced to die under such a course of experiments, which I presume would not be a very rare occurrence, I shrewdly suspect both the high contracting parties would be guilty of culpable homicide, the one as principals, the other as accessories before the fact.

But



But if such an unlimited permission to make experiments on the sick in the Hospital were granted in the form of a contract with the medical gentlemen, in consideration of a good round sum of money paid by them to the Managers, the atrocity of such a contract would preclude all controversies about it. The Managers certainly would not be permitted to expose the patients to such a danger.

Is it not equally the duty of the Managers to preserve the sick poor in the Hospital from every other danger? Or can the most lively imagination conceive any kind of danger, from which it would *not* be the *duty* of the Managers, if it were in their *power*, to protect and preserve them?

It would be unreasonable and uncandid to say, that the danger of trying a new Physician or Surgeon with them, every two months, is as great as that of trying a new remedy; and that to trust the lives of the patients to Physicians or Surgeons, who have grown old without acquiring general esteem, or confidence, or employment, would be as dangerous as to trust them to the efficacy of remedies which had been introduced into practice, and after a long trial had been laid aside as useless or bad.

Modest merit, from unfavourable circumstances, may pine, from youth to age, in obscurity, contempt, and poverty; and a young man of extraordinary talents and application may, from his first outset in his profession, be much superior even to his own master. But it would be still more unreasonable and uncandid, and, I should think, would favour somewhat of insanity, to assert that the want of experience, and the want of public esteem and confidence, afforded any presumption in favour of a Physician or Surgeon, or to maintain that there was no more danger to the patients entrusted to the care of such practitioners, than to those committed to the care of men of ample experience, and the highest professional character.

The

The danger in question must, no doubt, appear more or less formidable to different persons; nor can it ever be exactly measured: but it is unquestionably *real*, and it is *great*. Be it greater or less, be it ten to one, or only one in ten, against the sick, it is unnecessary; and it is the duty of the Managers to preserve them from it.

## S E C T I O N VI.

**L**EAVING now this important duty of *caution* with respect to the sick, which is evidently common to the Managers and to the medical attendants of an hospital, and equally incumbent on both in their respective departments of *doing* or *procuring*; let us next consider the duty of Physicians, “faithfully to do all things conducive to the health of the bodies of the sick,” and the close affinity between it and the corresponding duty of the Managers of an hospital, ‘to do every thing that may *best conduce* to the charitable end and purpose” of their institution; and, above all, to procure for the sick in the hospital the *best* assistance which medical men *can* give them.

Both these duties are so plain and obvious, so near akin, so evidently indispensable and co-extended; and, if in strict propriety they may be said to be limited, so manifestly limited only by the imperfect knowledge and power of those who ought to discharge them, that little discussion or illustration of them can be required. Though I trust it is not necessary, yet as I should be sorry, even for a moment, to be misunderstood on so delicate a point, I think it right to premise, that, in reasoning about what is *good* or *bad*, *best* or *worst*, in respect of medical assistance, I mean only what is *more* or *less good*, *most* or *least good*. I must not be understood to suppose, or insinuate, that any medical assistance is *positively bad*, as being *worse* than *none*; so that it would have been better for the

patients,



patients not to have had it, but to have remained without the help of such physic, or physicians, or surgeons.

Such a notion is too illiberal, too unjust, and too grossly absurd, even for a farce.

I am not to consider the duty of a Physician to abstain from giving his patient what he knows will hurt or kill him; which would be little less than an attempt to commit wilful murder; nor am I to consider the duty of the Managers of an hospital not to employ such murderous physicians in it, or surgeons so unskilful, that it would be better for a poor man to remain unassisted with a spreading ulcer or a dangerous wound undressed, or a broken leg unset, than to come under their care. In the very notion of medical or chirurgical *assistance*, I conceive there is implied the expectation and chance of some good. Accustomed, as we are in this country, to a great deal of that kind of assistance, whenever we need it, we should think the total want of it a most grievous evil; we should consider *that* very small share of it which we could get in some other countries, nay, in some parts of our own, as something very bad.

The goodness or badness therefore which I am to consider, are only different degrees of goodness; but the difference may be very great; and that is bad which is less good than what we know may be obtained, either in point of medicines, or of medical and chirurgical attendants.

If, in one night, all the surgeons of Edinburgh were removed to a better world, where it is to be hoped they will all arrive in due time, their senior apprentices (of four or five years standing) might justly be esteemed the best chirurgical assistance in this city. If they were removed in the same way the next night, the junior apprentices, of one, two, or three years standing, would be the best assistance of that kind; and it would be the indispensable duty of the Managers of the Hospital to get the assistance of such apprentices, whether older or younger, for the sick poor in the Surgeons department,

partment, till such time as *better* assistance, I mean the attendance of more skilful and experienced Surgeons, could be obtained for them. The mere want of medical assistance is in many cases so bad, as to imply, almost certainly, very pernicious, if not fatal consequences. In such cases, to with-hold it voluntarily, would be almost as criminal, as to suffer a wretch to perish, by with-holding food from him. To procure it in some measure, but less good than might be procured, is an approach to that evil to the sick, or a degree of it; implying some degree of the same criminality in those who do so.

For example, if the Managers were, without such a necessity as I have stated, to commit the sick poor in the Surgeons Wards to the care of the youngest apprentices of the Surgeons in Edinburgh, instead of their masters, (which I presume they might by law be prevented from doing); the absurdity, and even the atrocity, of such a proceeding would be glaring.

Yet circumstances may easily be conceived, in which any of us would be happy to get the assistance of such apprentices, for ourselves or for our best friends. If any of us in a remote country, or distant part of our own, far from better help, had fallen among thieves, or been thrown from our horses, and been left at the way-side sorely wounded, with broken limbs, and likely to bleed to death; the arrival and professional help of even a very young surgeon's apprentice would be to us as great a blessing as that of the good Samaritan was to the wretched Jew. But none of us would be so mad as to prefer such help to that of the boy's master, if we had our choice.

In the greatest, most ancient, and most civilised empire on the face of the earth, an empire that was great, populous, and highly civilised, 2000 years ago, when this country was as savage as New Zealand is at present, no such good medical aid can be obtained among the people of it, as a smart boy of sixteen, who had



been but twelve months apprentice to a good and well employed Edinburgh Surgeon might reasonably be expected to afford.

If the Emperor of China, the absolute monarch of 333 millions of people, more than twice as many as all Europe contains, were attacked with a pleurisy, or got his leg broken, it would be happy for him to get such a boy for his first physician, and Serjeant-surgeon. The boy (if he had seen his master's practice in but one or two similar cases) would certainly know how to set his Imperial Majesty's leg, and would probably cure him of his pleurisy; which none of his own subjects could do. According to the information which I have received from the late Dr Gillan, a Physician of this country, who was at Pekin and all through China with the British embassy, in that vast empire, they neither know the use of blood-letting, nor the way to set a broken bone.

What I thus have stated explicitly, with respect to the apprentices of surgeons, is applicable still more strongly to all the master-surgeons, Fellows of the Royal College of Surgeons in this City: none of whom, after so full an explanation on my part, can misunderstand me, when I have occasion to consider the goodness or badness of their assistance to the sick poor in the Hospital, as depending on the mode of their attendance in it.

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The duty and obligation of a Physician, "faithfully to do all things conducive to the health of the bodies of his patients," is so explicit, complete, and indefeasible, that it can neither be enforced, nor restrained, nor set aside, by any contract whatever.

For example, if a Physician really believes that Dr James's powder is the best medicine, and fully adequate, for the cure of continued fevers, Godbold's vegetable balsam, the best for curing consumptions,

consumptions, and Leake's justly famous pill, the best for curing the pox; it is unquestionably his duty to prescribe those medicines, and no others, in the several diseases respectively for which he thinks them best.

If he were a Professor or Public Teacher of Medicine, it would be equally his indispensable duty to recommend them very strongly to his pupils, and to advise them to employ those medicines universally in preference to all others, in those several diseases.

If the proprietors (patentees) of those medicines, hearing of the Doctor's favourable opinion of them, and eager to make the most of it, should enter into a contract with him, giving him a good round sum, suppose L. 1000 for each drug, on condition that he should on all occasions in his practice prescribe them, and in his discourse and lectures recommend them, as the best for those diseases respectively; it is plain that his conduct ought to be just the same after, as it had been before, such a contract was made. If he should even tire of his contract, disliking any kind of restraint on his conversation and practice; still he could not honestly with respect to his patients and his pupils, independently of any regard to his contract, act or speak otherwise with respect to those medicines.—I can well conceive that the Censors of the Royal College of Physicians might take notice of him and his contract, and that he might be unanimously expelled the College for his illiberal conduct, which would undoubtedly be thought a very shameful and dangerous example.

But even if this were done to him, I can see no ground, in law or equity, on which he could claim to have his contract reduced: for he could not even pretend that there was any thing in it contrary to law, or gospel, or natural justice, or his own professional duty, or the rights or the interest of his patients, or of his pupils; provided always that he still continued to believe *bona fide* that those drugs were the best remedies for the diseases in which he re-



commended them. In this case, if he did not recommend them, he would be guilty of a breach of trust to his patients and his pupils, as well as of a breach of contract with the patentees. These last, I conceive, would have a good action against him for his conduct.

But the case surely would be widely different with him, from the moment that he became convinced that those drugs were not good remedies, or even that they were not *the best* remedies, for the diseases in which by his contract he was bound to recommend them. From that moment it becomes his indispensable duty *not* to recommend *them*, and to recommend those other medicines which he has found or believes to be better than them.

If, in compliance with his contract, and against his better knowledge, and his conscience, he should trust the cure of a patient labouring under the fashionable distemper to Leake's justly famous pill, avowedly knowing of a better cure for that disease, and if the patient should lose his nose by virtue of such a contract, he would certainly have a good action against his Doctor for the value of his nose.

If, for the same reason, and equally knowing that he was not doing what was best for his patient, he should trust the cure of a man in a fever to James's powder, neglecting the other and better means of cure which had become known to him, and that patient should die; I suspect the Doctor would be guilty of culpable homicide.

To suppose that his contract could be enforced by law, is to suppose that he could be compelled by law to do that which he would be punished by law for doing. I presume there can be no doubt that his contract would be declared iniquitous, and that he would be compelled by law to refund the money he had taken on a condition which he could not fulfil without committing a crime.

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The application of this to the case of the Managers of the Infirmary and their contract with the College of Surgeons, respecting their mode of attending in it by rotation indiscriminately, is plain and obvious; and the conclusion with respect to the absurdity, the nullity and the criminality of such a contract, must, I think, be irresistible.

The College of Surgeons are the Patentees of Surgery in this City. By their charter, they have the exclusive right of vending that valuable and really indispensable commodity to the inhabitants of Edinburgh.

The Infirmary evidently had, and ever must have, occasion for a large share of it. The Surgeons might furnish it to the Infirmary in different ways, and on different terms, more or less favourable to the Hospital, either with respect to its pecuniary interest, or with respect to the benefit of the sick poor admitted into it.

For example, they might either have offered their services in the Hospital without fee or reward, as the College of Physicians did for more than twenty years; or they might (most justly and reasonably) have required an adequate pecuniary recompence for their attendance in the Hospital, as has been given for near fifty years to the two ordinary Physicians of it. They might all of them have offered to serve in the Hospital by rotation for one or two months at a time: or all, or any number of them that chose, might have offered to serve permanently, either gratuitously or for a proper salary, leaving the choice of the individuals selected from their number to the Managers of the Infirmary.

In such circumstances, it would clearly have been a duty of the Managers, as Trustees of the funds of the Hospital, to have made a prudent and economical bargain with them; as favourable to the pecuniary interest of the Infirmary as they could make it consistently with the more important interest of the sick.

But



But it would have been an infinitely superior and indefeasible duty of the Managers to provide for the poor patients in the Surgeons Wards the best Chirurgical assistance which they could get for them ; whether this was by the permanent appointment of a few ordinary Surgeons to the Hospital, or by permitting all the Surgeons in Edinburgh to attend in the Infirmary by rotation.

Supposing now, what is not strictly true, but much more favourable to both parties (Managers and Surgeons) than what really is true, that they believed *bona fide* that the attendance of all the Surgeons by rotation was best for the patients under their care ; just as my Doctor is stated to have believed that three famous Patent Medicines were best for the cure of three very common diseases ; it would have been the duty of the Managers, if they could, to get all the Surgeons in Edinburgh to attend in that manner : whether they had made any contract with them, or got L. 500 from them, or got them to give up their rival hospital or not.

But this duty could continue only till they became convinced that such a mode of attendance was not the *best*, or that it was (comparatively) *very bad* for the patients. From that hour it would become their supreme and indefeasible duty to procure for the patients, if they could procure it, the attendance of the Surgeons in the most advantageous manner : just as it would be the duty of a Physician to use the medicines which he found the *best*, and not to use those which he found were *not* the *best*, in the exercise of his profession ; though at one time he had firmly believed the latter to be the best.

That a Physician could not lawfully make, or honestly fulfil, such a contract as would restrain him from doing what was right, or best for his patients, and that he could never be compelled by law to adhere to such a contract, is surely self-evident. It must be equally so with respect to the Managers and their duty and their contract with the Surgeons, unless some essential difference

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ence between their duty and that of Physicians, of which difference at present I can form no notion, shall be pointed out.

But with all due respect to our predecessors in this trust, and to the individual members of the Corporation of Surgeons, who, more than sixty years ago, made that contract, all of whom have long since been in another, and I hope a better world, after sufficiently repenting of the wrong which they did in this, I must take the liberty to say, that I do not believe the contract in question was strictly a *bona fide* transaction on either side.

I mean that both parties knew perfectly that they were doing something which was *not best* for the sick poor; which was physically and morally wrong with respect to them, though advantageous in point of pecuniary interest to the Hospital, and *perhaps* advantageous, in the same respect, and at any rate gratifying, to the Incorporation of Surgeons as a body, and to the majority of them as individuals.

The whole tenor of the transaction establishes this opinion of it beyond all dispute.

As to the Surgeons, we have no reason to believe that any one of them was so stupid, or so ignorant of his own profession, as not to know, that a few surgeons constantly attending in a great hospital would become more skilful, more expert and dexterous operators, and, in every respect, better practitioners, than ten times their number would be who attended by rotation for a month or two at a time, once in two, or three, or four years. But their avowed motive, "*to preserve an equality among the Surgeons of Edinburgh,*" precludes all controversy about *their* share in the *demerit* of the transaction.

As to the Managers, their original conduct in appointing permanently a few Surgeons to the Hospital, the sentiments which but the year before they made that contract with the Surgeons, they had expressed relatively to the attendance of all the Physicians

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cians by rotation; above all, the considerations by which they were prevailed on to make that contract with the Surgeons; not any clear and satisfactory arguments to convince them that what they had originally thought *bad* would really be *good* for the patients, but 500 Sterling pounds paid them down, and the Surgeons giving up their own hospital, which was a rival, and was likely to intercept many charitable contributions that otherwise might have come to this Infirmary:—All these things too plainly testify that the Managers knew well that what they were doing was *wrong* with respect to the patients.

That sum of money received from the Surgeons, and the conduct of these in giving up their own rival hospital, so as to allow more money to come to this, I humbly conceive, were somewhat of the nature of a BRIBE; whether *logicè* a BRIBE, or only a GRATIFICATION, I am not casuist enough to determine; nor is it a question of any importance.

A BRIBE is good broad English, for “a reward given to pervert the judgment\*.”

In the case in question, the judgment of the Managers, as shewn indisputably by their subsequent conduct, was *perverted* by the *reward* given to them by the Surgeons. There was money given by *one* party, and received by *another*, in a transaction, for doing what both of them knew to be wrong to a *third* party.

There can be no doubt that a corporation may be *bribed*, that is, may have its judgment and conduct perverted by a reward given to it, in its corporate capacity, as certainly and effectually, as the individuals who compose it can be personally.

If a rich man, in order to obtain for himself a seat in Parliament, should give to the corporation of a borough less rotten than some are said to be, L. 10,000, not to go into the pockets of the individual members of it, but destined solely for the pious and charitable purposes

\* See Johnson's Dictionary, word BRIBE.

purposes of building a church and endowing an hospital, on the *express condition* stipulated even in a *formal contract*, that the corporation should elect him their representative, under a heavy penalty in case of failure; and if the corporation should elect him accordingly, and if his election were contested, and the contract between him and his borough, or even complete evidence that such a bargain had been made between them, came into the hands of his adversary's counsel before a committee of the House of Commons, surely any lawyer must be a very stupid fellow, not worth the value of one curl of his own wig, if he could not find *bribe* enough in the transaction to vitiate the Honourable Gentleman's election, perhaps even to disfranchise the borough.

If the L. 500 given by the Surgeons to the Managers, as a corporation, and trustees of the funds of the Infirmary, had been divided into smaller sums by the donors, and by them distributed among the Managers individually for their own private use and profit, it would have been complete and arrant bribery of the common kind; such bribery, I conceive, as never could have been avowed, and such as, if it had ever come to light, would have vitiated the transaction, made the contract null, and subjected to punishment, at least to censure and dismissal from the office of Manager, all who had taken the money, or been bribed.

They were all equally *bribed*, but in their corporate capacity, when they took the same sum of money on the same *base* condition; though they took it for the profit of the Hospital; unless it can be established, that it was a fair and open *sale* of the privilege of attending in the Hospital; implying, that the Managers had the power and the right to *sell* that privilege, without regard to what was good for the patients.

If they had a right to *sell* it, or dispose of it *for ever*, without any restraint from the consideration of what was good or bad for the patients, *a fortiori* they must have had a right to



let it for three, or seven, or nineteen years, or any term that might be agreed on.

They must have had a right to advertise it in the newspapers to be *sold* or *let* to the highest bidder; just as the Magistrates of Edinburgh, trustees for the common good of the city, advertise to sell or let, for a certain term, the dung of the streets.

They must have had a right (if they were in law and fact entitled to disregard the good of the patients, and to do what was *not best* for them) to declare in their advertisement that their chief object was to get money for the Hospital, and that they should not require the attendance in it to be conducted in the manner most favourable to the patients, but should allow it to be done in the way most agreeable to the purchasers or lessees; and to have used this as an argument to get a greater price for the commodity which they brought to market, or a higher rent for that part of their estate which they wished to let.

I do not believe that our predecessors in this trust ever thought, any more than we do, that they had, or could have, such abominable rights; nor consequently can I think them altogether *blameless* in that transaction with the Surgeons.

It is essential to our cause in general, as well as to my argument in particular, that these things be stated *fairly*, and of course *strongly*, and that they be kept steadily in view; but I have no mind to forfeit my own credit in point of probity and understanding, by unjustly and unnecessarily imputing guilt to a set of men of the highest worth and public spirit, to whom, even for their exertions in the management of this Hospital, their country owes infinite obligations.

Though their bargain with the Surgeons was essentially wrong, and never can be justified or made right, they had a strong excuse for what they did. Their motive was pure and honourable. I do not think it is going too far to say, that their honest zeal for the establishment

establishment of this Hospital, that is, for the good of the sick poor in general, betrayed them into that error. Like the rash oath of *Uncle Toby*, in behalf of the dying *Le Fevre*, it was a sin of which no man could be ashamed, and of which few would have virtue enough to be guilty. We may trust that it shared the fate of his oath; that "the informing Angel blushed as he gave it in; "and the recording Angel let fall a tear upon the spot, and washed it out for ever."

They saw no other means of accomplishing the establishment of this Hospital, but by consenting to that condition which the Surgeons required. Their *error* and their *wrong*, the consequences of which have been so severely felt for sixty years, consisted in this, that in order to do good to the sick poor in general, they did evil to those sick poor who came under the care of the Surgeons, in this Infirmary.

Even in this respect they had another strong excuse or alleviation. Though they knew that it was an evil, as appears by their previous conduct in the selection and permanent appointment of a few Surgeons, and by their conduct at that very time, and afterwards, with respect to the Physicians, they did not know how great an evil they were doing. They could not foresee that the number of the Surgeons in Edinburgh would increase as it has done, nor could they ever suppose that four fifths of the senior Surgeons should withdraw from the Hospital-duty, and leave the care of the patients in it to their junior brethren in rotation.

But whatever excuse we may find for our predecessors in this trust, whatever praise we may give to their pure and honourable motives, we must remember that the evil done to the sick poor, who needed the care of Surgeons in this Infirmary, has been for sixty years, and is at present, and unless that contract be annulled, will continue as long as the Hospital lasts, just as great as if the



same bargain had been made for the most dishonourable motives.

Sure I am, that if the present contract with the Surgeons were once reduced, or given up, as I trust it soon will be; and if the Managers, knowing what they now do, were for 10,000 guineas to make such another contract with them, or with the Physicians; those 10,000 pieces of gold would be as arrant a BRIBE as the thirty pieces of silver given to *Judas Iscariot* for betraying his Master. And if any of our number, knowing what we all do of the evil that must necessarily result from it, should put their names to such a contract, they would be perfectly entitled to go away, and do as *Judas* did, when his conscience smote him for the evil which he had committed.

Can we then be guiltless, if we knowingly and willingly allow that cruel evil to continue, which to do would be so great a wrong?

Such are the *illustrations*, for, strictly speaking, they are not *proofs*, which, by making us attend to it carefully in different points of view, and consider it in its various relations, appear to me sufficient to *establish*, as a *self-evident truth*, the *greater* proposition of our syllogism, or the *law* in our case: (as stated page 123, and 129, 130).

If I have succeeded in shewing that there is a certain *duty* on the part of the Managers of the Infirmary towards the patients in it, and in explaining the nature, extent, and importance of that *duty*; which things are not generally understood, but which I, a Physician, accustomed frequently, during the last three and twenty years of my life, to practise in an hospital, have means of knowing better than lawyers, to whom the subject is new and uninteresting; I conceive, that, even by force of *illustration*, I have made good my point. If there be such a *duty* as I have stated, every contract requiring or implying the violation or neglect of it must of course be reduced, as not only null and void, but in some measure criminal in both the contracting parties.

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We all have been taught, and have uniformly through life believed, that laws, from the ten commandments down to our own time, are made and executed to enforce our various duties ; never to sanction or compel the violation of any of them.

No body surely can believe that any person can either voluntarily, *ex mero motu*, or by contract for a valuable consideration received, effectually and legally renounce or violate his *duty* as a Christian, a subject, a foldier, a husband, a father, or a son ; for this reason, among others, that whatever is the *duty* of one party is the *right* of another, who consequently must be injured by such a transaction.

## S E C T I O N VII.

**I**F, in the course of judicial proceedings, or for the satisfaction of any individuals more strict and captious than candid in their reasonings, a complete logical proof of *our* greater proposition shall be required, it may be given. For, though in general, and in all fair reasoning, it is needless, and though it is often difficult, it is not always impossible to *demonstrate*, or prove in the most perfect manner, a *self-evident* truth.

In many cases, and in ours most obviously, this may be easily done, by what is called in logic a *deduction to an absurdity* ; and what is well known in legal arguments of the strictest kind, by the phrase, *putting a case*.

This mode of reasoning consists in the simple and easy expedient of assuming as a truth, and as the *greater* proposition of a syllogism, the direct contrary of what we wish to prove, and from *that*, and some arbitrary supposition, or imaginary case stated, as the *less* proposition of the syllogism, deducing a fair conclusion, which must be true, if the first or greater proposition be true ; but yet is so grossly, or perhaps ridiculously false or absurd, that no person can believe:



believe it, or meet with any credit, either in science, or in a Court of Justice, if he should pretend to believe it. This is held to be complete proof that the assumed principle is false, and that the direct contrary of it is true; for it is established in logic, and admitted in law, (because it cannot be denied), that every proposition *must be either true or false*; and consequently, that every proposition directly *contradictory* to one that is *false, must be true*.

Some of the *illustrations* which I have given in proof of *our greater* proposition, approach very near to such deductions to absurdities from the contradictory proposition. But I shall now give some more strict deductions from it to absurdities more gross and palpable, and withal of such a kind that they may well serve another and a very important purpose; namely, to shew that the *badness* of a particular *mode* of attendance of the surgeons in an hospital may be perfectly known, and proved by competent testimony, if this shall be required, without any occasion for the indelicate, illiberal, and cruel procedure of scrutinizing the real and comparative merits and demerits of any individuals of their number.

Assuming then as the principle to be *disproved* by a deduction to an absurdity, in order to *prove* the one directly contradictory to it, "That a formal contract between the Managers of the Infirmary and the Surgeons, with respect to their mode of attendance in it, though *bad* for the patients, cannot be reduced;" I shall first state the case, that the Surgeons, professing great care and anxiety for the safety and good management of the patients, had made a contract with the Managers of this tenour; that no member of their College should be allowed to attend in the Hospital but such as had attained the age of sixty-three, and had actually worn spectacles for thirteen years. Very plausible ostensible reasons might have been assigned for such a limitation; the vast advantage of prudence, and cool judgment, and long experience, and the great danger to be apprehended from the want of these essential qualifications.

cations. And if the majority of the College of Surgeons, at the time of making the contract, had been men of sixty years of age or more, they might have had a very substantial, though not just an ostensible reason for choosing to make such a bargain, and even giving a good round sum in consideration of having their right and mode of attendance limited in that manner.

Yet common sense, without the aid of experience, and without any necessity to enquire into particulars respecting the practice, the operations, the manual dexterity, the degree of eye-sight, or the success of individuals, of those veteran surgeons, could pronounce with certainty, that such a system was *not the best*; that, on the contrary, it was *very bad* for the patients; that those venerable Grey Bearded, though probably many or all of them might be excellent consulting surgeons, were very unfit, by reason of their dim eyes and trembling hands, to be ordinary attending and operating surgeons in a great hospital.

Next I shall state the case, opposite in its nature, but equal in absurdity to the former, and, I presume, almost or altogether as bad for the patients, that the Surgeons, in their contract with the Managers, for Sterling money paid them down, had stipulated that only the youngest five or six of their number should attend and operate in the Infirmary; assigning as their reasons for choosing such a limitation, their great anxiety to preserve "an equality" among the Surgeons of Edinburgh, their wish to make even the youngest members of their corporation expert operators, and skilful in every part of their profession, as soon as possible, for the benefit of the good people of Edinburgh, who are not admitted into the Hospital; but saying nothing of any fears entertained by them of a few of their number, if permanently appointed to attend in the Hospital, acquiring very superior improvement, and high credit and reputation, and a great share of the most profitable practice.

Surely



Surely common sense, without the aid of experience, or any minute scrutiny or testimony as to particular misfortunes, or seeming want of skill and dexterity in some of those very young practitioners, could determine at once, that the system (whether good or bad for the College of Surgeons, or for the public at large) was *very bad* for the patients, was unjust to them, was inhuman and absurd.

Next, I shall state a case still stronger, and one that, if there were degrees of absurdity, would be more absurd than either of the former; and yet, on the assumed principle of the indefeasible validity of a formal contract between the Managers and the Surgeons, made without regard to the good of the patients, must stand good to all eternity.

I shall suppose that it was stipulated in the contract, in consideration of the money paid down, and other valuable considerations, that the four or the ten *worst* (in the sense already fully explained) of the College of Surgeons should always be the attending and operating Surgeons in the Infirmary. The deficiencies or demerits which were to constitute their qualifications for so important an office might be ascertained by ballot in their own College, in such a manner as to them might appear fairest and best.

I know the common way of speaking on such a point as this: that every member of such a College is legally, and sufficiently, and equally qualified to practise, and has an equal right to practise, &c. Nothing can be more plain, or more satisfactory, or more familiar to us all.

It is exactly the case with all Physicians, Fellows or Licentiates of the Royal College of Physicians, and with all Lawyers at the Bar. All of these are counsel learned in the law: but it is a prevailing opinion that some of them are more learned than others. And many people take the liberty to fancy that there may be a corresponding difference among physicians and surgeons.

Physicians

Physicians, I well know, think so of one another; and I hope I may without offence suppose that lawyers and surgeons do so too. If a lawyer had an important and nice cause of his own in court, I presume he would make some selection among his professional brethren, to whom he entrusted the conduct and the arguing of it. And if all the Surgeons of Edinburgh had occasion—not *to cut*, which is a trifle,—but *to be cut* for the stone, which is a very serious matter, I have no doubt but they would all like to make some kind of choice or selection of their operator. They all know well the nicety and danger of the operation in many respects: for example, that, in thrusting in a curious kind of knife like a pointed scoop with a very sharp cutting edge, if the operator misses the proper direction by half a quarter of an inch, instead of making an opening into the bladder, through which the stone may be extracted, he will perforate the nearest bowel, thereby inflicting a mortal wound. They all know that this misfortune has often happened in unskilful hands: and to make the danger of that accident, and of several others to be feared in the performing of the operation, as little, and the probability of complete success in it as great as possible, they all would choose, each for himself, as his operator, that one of their professional brethren whom each individually thought the most skilful and best.—It is possible that *all* the votes of the most *competent*, and in the case stated the most candid judges, might not be united in favour of *one* or even *two* of their own number. But it is certain that the votes would not be equally divided among them all. Four or perhaps ten of them might have a great number of votes, in proportion to the number of voters: These four or ten we shall call the *best*, in the estimation of their own professional brethren. Fifteen, or twenty, or five and twenty perhaps, might have each a few votes: these we shall call the *middling*. Four or perhaps ten of the whole number might probably have very few or no votes: these we shall call the *least good*, or in one word, the *worst*.



Now, on the principle assumed in order to be refuted, a formal contract made with the Surgeons, that the *worst* of their number should be Surgeons to the Infirmary, in consideration of money given and received, must stand good for ever.

This undeniable inference from the principle in question appears to me not only absurd, but atrocious : just as much as it would be to establish a contract between the Managers of the Infirmary and the Bakers and Butchers of this City, in which the Managers (for value received) engaged to accept for the use of the Hospital, bread and meat of such inferior quality, so bad in comparison of what they might have got from some of their number, as to imply some unnecessary danger to the health or lives of the patients who were to eat it.

But if all these inferences with respect to the validity of the three contracts stated, be absurd ; and if such contracts be not merely absurd or foolish, but criminal and atrocious, what words shall we find to do justice to the absurdity and demerit of a real formal contract, that happily unites, and makes *worse*, what was *worst* in all the three, which when stated separately appear too absurd and atrocious to deserve a moment's consideration ?

Yet this is the *fact* with respect to the contract actually subsisting between the Managers and the Surgeons. To this I alluded, seriously, in page 18, 19. of this Memorial, when I said, that human genius, if it had been so absurdly employed on purpose, could not have contrived a worse.

By it, the oldest and the youngest Surgeons in Edinburgh, the best, the middling, and the worst, are equally entitled to attend by rotation in the Infirmary. None of them are obliged to attend : and many who, from their high professional character, and great employment in private practice, must be supposed as good as any, if not the very best, in Edinburgh, do not attend.

But even if all of these were compelled to attend in rotation in the  
Hospital,

Hospital, it would not mend the matter much. It is evident that on such a supposition the best Surgeons in Edinburgh would *sometimes* practise in the Infirmary. So much the better for the patients who chanced to be in it during the time of their attendance. But what better would the other patients be for that?

The Royal Infirmary, as a corporation, is immortal; and may be said to be benefited by the attendance of the best Surgeons, in rotation, with the middling, and the worst.

But the individual patients admitted into it are all mortal: so mortal indeed, that none of them have more than one life; and very few of them have any limbs to spare. Now, if any of them should chance to lose that one life, or one of those limbs which he could ill spare, by the unskilfulness of the attending Surgeon, which probably might not have happened in the hands of one more skilful, it would be no compensation, and, I should think, very little comfort, to him and his family, to be assured, that, two or three years before, a very skilful Surgeon had been attending in the Infirmary for two months; and that another Surgeon, no less skilful, would attend in it for as long a time, in a twelvemonth or something less; so that if the poor man had had the good luck to get his skull fractured, or his arm dislocated, two or three years sooner, or had postponed the breaking of his leg for but one year, all would have been very well with him.

But even the appointment of the oldest, the youngest, or the worst Surgeons to attend in the Infirmary, absurd and cruel as it must be thought, would not be so bad as the present system of rotation. Any of them permanently appointed, however young, would in a few years grow older, and acquire much additional knowledge, and practical skill, and manual dexterity; any of them, however bad at first, (setting aside all supposition of great and irremediable defects, which are here out of the question), would in a few years grow better; perhaps even very good: And even the



oldest of them, who could not improve by further practice, might yet do good service in the Hospital, by the application of their long experience, and cool judgment, and great professional skill; and though they could not in general be supposed good operators, or capable of again becoming such, they might instruct and train to that and to every part of the Hospital-duty, a certain number of younger Surgeons, whom they might and certainly would be allowed to have as assistants. This is done in the great London Hospitals, and ought to be done every where.

But the deplorable system of rotation prevents even these chances of advantage from the *worst possible* choice of attending Surgeons, and aggravates all the evils necessarily resulting from a bad selection of them, or no selection at all; and in return gives no benefit, or chance of benefit, to the Hospital, but the *transient* and *casual* attendance of a *few* of the best Surgeons, promiscuously with most or all of the rest.

If it were necessary, which I trust now it is not, to show any more of the *absurdities* necessarily resulting from the proposition, that a formal contract between the Managers and the Surgeons, for money paid the former by the latter, is indefeasible, I should state the case of such a contract made on the express condition, that all the Surgeons of Edinburgh should attend in the Infirmary by rotation, for *one day*, or *two days*, or *one week*, or *two weeks* at a time. I need go no farther in stating imaginary periods of attendance; for within my own memory, the regular time of a Surgeon's attendance by rotation was only *one month*. The evil of that was severely felt: and an *absurd* remedy was applied, changing the time of attendance from *one* to *two* months.

This was *ipso facto* doing two things, both of them very much for my purpose in this argument: *First*, Acknowledging the great evil of the system of rotation. *Secondly*, Avowedly applying an inadequate remedy to that great evil. If it was very bad for the patients,

tients, in many respects, to change the Surgeon in attendance every month, it must also be very bad (though in some respects not quite so bad, or rather not so bad for *so many* of them) to change him once in two months; for it is just as bad for such of them as are in the Hospital when the change takes place.

But with respect to the more important object, (I mean ultimately and more generally important to the Hospital, and the sick poor, and the public at large, for nothing can be more important than health, and life, and limbs to the individuals who suffer), the supposed improvement of every Surgeon by his attendance in the Infirmary; the change made of the time of attendance from one to two months was completely *absurd*. There seems even to have been an egregious oversight in point of arithmetic in it.

Neither party seems to have attended to the obvious and undeniable mathematical truth, That just in proportion as they lengthen the time of each individual's attendance by rotation, they must lengthen the interval which is to elapse before he can again attend in his turn.

The number of the ordinary Fellows of the Royal College of Surgeons is between forty and fifty.

Supposing only five and twenty of them to take their turn of Hospital-duty; if the time of attendance be one month, the interval before the same person can attend again must be just two years.

If the time be two months, (as it is at present), the interval must be four years.

Lengthen the time of attendance to six months, and the interval must be twelve years.

Make the time of attendance one year, and the interval must be twenty-four years; so as to allow each individual about an equal chance of attending twice in his life; and scarce any chance of attending a third time; and no chance at all of it till he has passed the age of seventy.

But



But if the time of attendance by rotation were made *two years*, which I presume is the shortest time of such duty that can enable a young man even of good talents and education to make any considerable improvement in professional skill, and manual dexterity as an operator, he could not attend again in his turn for *eight and forty years*; when he must be somewhere between seventy and eighty years of age, and most probably will neither have the inclination to attempt, nor the power to discharge such an arduous task a second time.

If the times of attendance be made very short, a few days, or weeks, or even months, a surgeon can scarce improve by what he sees or what he does. If they be made so long as to allow him to make some considerable improvement, he and his improvement must be for ever lost to the Hospital. There cannot in this case be even a *rotation* of attending Surgeons, best, middling, and worst; but there must be a *perpetual succession* of the *youngest* and *most inexperienced* Surgeons, who, supposing their talents and education as good as those of their elder brethren, must be the *least fit*, or the *worst* for the important and difficult duty of an hospital.

Seriously, and without exaggeration, it may with truth be said, that the system of the Surgeons attending by rotation is so *execrably and absurdly bad*, that it cannot even be *mended*.

If any person think it worth his while to estimate the improvement, which, on the most favourable supposition, four and twenty Surgeons would acquire by attending in the Infirmary by rotation for four and twenty years, perhaps as long a period as we can reasonably expect men to go on improving, whether the times of their attendance, and consequently the intervals of their non-attendance, be longer or shorter; and as a kind of standard wherewith to compare their improvement, to take that of a Surgeon permanently attending; it may easily be done thus.

The whole time of each individual's attendance and consequent improvement in the Hospital, would be, at the end of twenty-four years, twelve months : just the same as a surgeon attending permanently would have at the end of his first year's attendance.

But as even that sum of improvement is acquired gradually and equally, by the twenty-four attending by rotation, in twenty-four years, we must take, as the average for them all, the half of that sum, as denoting what, one with another, they had got at the middle period of that precious time of improvement ; that is, at the end of twelve years : before which period they all had less, and after it, in the same proportion, they all had more improvement. The average improvement then of the twenty-four, during their twenty-four years of improvement, would be just equal to the improvement of one attending permanently at the end of six months.

Yet all this will be true only on the supposition, certainly not true, but here admitted because it is most *favourable* to the twenty-four attending in rotation, and most *unfavourable* to my argument ; I mean, that the probability of a Surgeon's improvement by attendance in an hospital is directly as the whole time of his attendance, without regard to its being by short periods at once with long intervals, or altogether continued for a time equal to the sum of those periods, without any interruption at all. But I believe the direct contrary of this supposition is the truth : that very little improvement is made in a short period of attendance, and a great part of that little is lost in the long interval of non-attendance.

Such, independently of all thoughts of duty to the patients, and all considerations of the wrong done to them, is the wretched equality of skill which the system of attending by rotation tends to preserve among the Surgeons of Edinburgh.

Though it be not usual in this mode of strict reasoning by a deduction to an absurdity, nor consequently essential to the validity of such reasoning in this, or in any case, yet, in this instance, I have



have no objection to go one step further ; and instead of tiring myself and others with any more examples of *absurdities* fairly deduced from the principle assumed in order to be disproved by them, to propose to those who contend for the indefeasible validity of a contract between the Managers of the Hospital and the Surgeons with respect to their mode of attendance in it, even though bad for the patients ; to state any case or supposeable contract between those parties, *notoriously bad* for the patients, which would *not* be absurd in itself, unjust and cruel to the patients, and consequently such as ought to be reduced, and such as it would be in some measure criminal to fulfil, and impossible by law to enforce.

I should by no means require of them to state the case of a contract nearly as bad as the real one ; for it is impossible to contrive or suppose one nearly so bad ; nor should I by any means require that it be like the real one, *intuitively* and *demonstrably* bad, from the nature of things ; nor even that, by both parties, at the time of making it, it was in some measure known to be bad for the patients, so as to imply some degree of *mala fides* and guilt in those who made it.—I shall be content if they will only state the case of a supposed contract at first believed to be really good for the patients, but which, after ample experience, not of sixty or even thirty years, but of six or of three years, was found experimentally *very bad* for the patients, and can be proved to be so by the most decisive testimony.

If neither my absurd inferences from the assumed principle can be refuted or shewn not to follow from it, nor any case, or supposed contract *very bad* for the patients, can be stated, which it would not be absurd at least, if not criminal to enforce ; surely that principle of the indefeasible validity of such a contract, though made for value received, must be false. Then the direct contrary of it, " That every such contract *bad* for the patients must be reduced," is necessarily true. This is the *greater* proposition of our syllogism,

(page 123.), and this full proof of it concludes our argument; the *less* proposition (if this shall be required) is to be proved by the most ample testimony. Our conclusion, for the reduction of the contract, follows of course.

# S E C T I O N VIII.

**T**HOUGH our strict, and, as I trust, conclusive argument, is thus finished; yet, for the satisfaction of those who may find it difficult at first to attend fully to the *interest* and *rights* of the patients in the Hospital, whom I regard as a *third party*, most cruelly wronged by our contract, I shall state the parallel case of such a contract made between two respectable Corporations, where there is either no third party, or none who has any interest or rights which can be violated by the most rigorous execution, or the legal enforcement of the contract.

I shall take a very supposable contract, between the corporation of Butchers and that of the Tanners in Edinburgh. I shall suppose, that, "in order to preserve an equality among the tanners of "Edinburgh," (an object, by the by, of *fully* as much importance to the public, as preserving an equality amongst the Surgeons), and for other weighty reasons them thereto specially moving, the tanners paid the butchers L. 500 down; in return for which the butchers stipulated, and bound themselves under a heavy penalty, besides performance of the condition, that all the tanners in Edinburgh, or all of them who chose, by rotation, for two months at a time, should have the hides of all the bullocks admitted into the shambles, and slaughtered there, at a certain price, either fixed in money, or varying in a settled proportion according to the price of grain.



Next, I shall suppose, that after a trial of thirty or of sixty years, it was found, either that the butchers had the better of the tanners, or the tanners of the butchers, in this bargain : for example, that the butchers found that they could get more money for the hides of their beasts from three or four of the tanners, or by bringing them to open market.

In this case, I can conceive no ground in law or equity on which the butchers could claim to have their contract with the tanners reduced.

It was a fair mercantile transaction, a bargain for a valuable commodity ; which bargain, whether more or less advantageous for one or other of the parties who made it, no way trenching upon the interest or the rights of any third party.

If an ox, at the moment when he is admitted into the shambles, were minutely informed of the contract in question, or were allowed to peruse it at his leisure ; and if he could speak ; he might as well save himself the trouble. Neither he, nor the ablest counsel that he could employ, though these of course would have an infinite deal to say on the subject, could say any thing to the purpose, or show that any *right*, or even any *interest* of his, was violated by that mode of disposing of his hide.

When the ox is fairly admitted into the shambles, and slaughtered there, and cut into pieces, and roasted or boiled, and eaten by the good people of Edinburgh, it is of no consequence to him who has the tanning of his hide. I should even guess that it is of little moment to him whether that operation be more or less skilfully performed.

But this, I humbly conceive, is not exactly the case with a poor man, admitted into the Royal Infirmary, with a sore leg or a fractured skull.

The poor man certainly has an *interest*, and, I think, has a *right*, to have his hide treated as tenderly and as skilfully as possible.

Whatever

Whatever *unnecessarily*, however deliberately and formally, trenches on that *interest* or that *right*, is a *wrong* to the poor man ; such a wrong as in many cases will be *irreparable* ; in some will be *fatal*.

Let no uncandid or careless reasoner perversely suppose, that I compare our contract with the Surgeons to the imaginary bargain between the butchers and tanners, in order to show any similarity between them, or to contend, that what would be law and justice in the latter case must equally be so in the former.

I compare them, purely in order to show the *contrast* between them, their *total* dissimilarity, their *infinite* difference, and the consequent absurdity and atrocity of supposing the same principles of law or equity to be applied to both.

I do not offer such an outrage to human nature, as to think a poor man admitted into the Hospital on the same footing as an ox taken into the shambles. Wo be to him, whether Manager, or Physician, or Surgeon, or Lawyer, who cannot or will not perceive the difference.

Nor do I mean to give any offence to the Managers, by comparing them to Butchers, or to offer any indignity to the Surgeons, by comparing them to Tanners. I wish to make them all attend to what they surely all must know, but what they seem on some occasions to have overlooked, the superior nature and dignity of their trust and their profession ; and the peculiar circumstance which constitutes its merit, its importance, and its true dignity.

The butcher and the tanner owe no duty, profess no charity or benevolence to the ox, of whose carcase and skin they are entitled to make the utmost profit which they fairly can.

But to the sick poor, the Managers, the Physicians, and the Surgeons of an hospital, profess the greatest charity and benevolence. The Hospital is opened to receive them, and Physicians and Surgeons minister to them, for their good. Hence arises a most sacred  
duty,



duty, from which whenever the Managers or the medical attendants deviate without necessity, on any pretence whatever, they incur a degree of guilt by their breach of trust, and degrade themselves in public estimation, far below the rank of butchers and tanners, who are useful, and, while they faithfully do the duties of their several stations, are respectable members of society.

Such is the strong argument in equity, on which I have no doubt that we might safely rest our cause, if our charter had contained no such clause as that one relating to the sick poor in the Infirmary being taken care of "by some of the most skilful Chirurgurgeons;" or if it had contained no such clause as that one limiting our powers as managers to "such things consistent with the laws of the realm, as may best conduce to the charitable end and purpose above mentioned."

But it happens, most fortunately, that our plea in equity, and our right in strict law, far from being in any degree inconsistent, coincide most perfectly. Each of them, taken by itself, is so strong, that on it singly I believe we might confidently have relied: the two taken together, I should think so nearly irresistible, as to take away all probability, though certainly not the possibility, of any troublesome litigation.

I know that some individuals have adopted a most heretical creed with respect to the decisions of courts of justice. They have persuaded themselves that every possible suit at law is but a kind of throw of the dice, affording nearly an equal chance to each party; and which consequently each party has an equal right and an equal interest to try. I have even heard mention made of a rubber game, in difficult and puzzling cases, in which opposite decisions had been given.

Whence

Whence so damnable a heresy can have proceeded I know not: and I do not care either to hazard any conjectures about the cause of it, or to set about confuting such heretics.

If those we have to deal with are tainted with this heresy, we must expect them to act accordingly; and we shall have so much the more trouble with them.

If they think they *can* persuade a court of justice,

1. That our charter is mere waste paper;
2. That the clause in it relating to the sick poor in the Infirmary being taken care of "by *some of the most skilful Chirurgeons*," might be cancelled or set aside whenever the Managers pleased;
3. That *some* means *all*;
4. That the *most skilful* means both the *most* and the *least skilful*, and in particular means the *youngest* and most *inexperienced* Surgeons;
5. That the clause in our charter expressly limiting our powers to things that *may best conduce* to the charitable end and purpose of the institution, does *bona fide* give us the power of doing things, and especially of making a perpetual contract with the Surgeons, directly and notoriously inconsistent with that charitable end and purpose;
6. That the Managers are only trustees for the funds of the Infirmary, but by no means guardians of the health and lives of the sick poor admitted into it, nor consequently obliged, either in law, or equity, or conscience, to do what is *good* or what is *best* for them;
7. That a Surgeon acquires no improvement by practising in a great Hospital even for many years;
8. That the sick poor may be as well taken care of by all the Surgeons, and chiefly by the youngest and most inexperienced of them, attending promiscuously in rotation or succession, as they could



could be by a few of the most skilful and experienced attending permanently in the Hospital for many years ;

9. That the sick poor in the Infirmary have no interest and no right to obtain such good care ;

10. That, in the eye of the law, a poor man, when sick, and received into the Infirmary, with respect to health, and life, and limb, is no more than an ox when admitted into the shambles, or the hide of an ox when thrown into a tan-pit ;

If those we have to deal with are seriously convinced of all these things, they must of course expect to win their cause, if they choose to try it ; and I have no right and no power to hinder them to do so. I can only suggest to them, that it may be well worth their while to consider maturely, whether it be consistent with their duty, their honour, and their real interest, by trying or even by winning such a lawsuit, to outrage the general sentiments of mankind, in the cause of justice, humanity, and common sense.

## S E C T I O N IX.

**SOME** of the Managers of the Royal Infirmary who know and approve the general tenor and purpose of this Memorial, have expressed to me their earnest wish that I should state particularly what I conceive would be the proper mode of the appointment and attendance of the Surgeons in the Hospital. This I have no scruple to do, in compliance with their request ; though I am sensible that to many persons it will seem premature in the present stage of the business. I do it the more chearfully, considering that it may do good, and can do no harm. Any thing that I can propose on such a subject is to be regarded only as a mere suggestion or hint, on which others are to decide, after obtaining every possible information and assistance to direct their judgment. Imperfect or erroneous

neous as my hints may be thought, they may yet be useful, by calling the attention of others to an important subject, who will perceive, and endeavour to supply and correct, the deficiencies and the errors of my plan.

On the principles fully explained, and, I trust, established, in the preceding pages, we may with ease and confidence, and with scarce a possibility of dispute, state the following particulars as what are *most needful*, if not *all that can be useful*, in point of surgery, in a great Hospital.

1. That there be a number of ordinary attending Surgeons (permanently appointed) amply sufficient to do all the duty.
2. That these Surgeons be as highly qualified as possible.
3. That there be a regular supply of younger Surgeons, carefully trained, by some years close attendance in the Hospital, and every possible instruction, to act as assistants to the ordinary Surgeons, and to fill their places in case of their death or retreat; so that the care of the patients may never be committed to very young and inexperienced practitioners, who attend and operate for their own sake, knowing that they "*would be the better of more experience.*"
4. That there be a sufficient number of *extraordinary or consulting* Surgeons, men of much experience and high character in their profession, and well accustomed to hospital-duty, ready at all times, when called on, to give their advice and assistance in all extraordinary and difficult cases.

If any thing further in point of surgical assistance be really wanted in an hospital, it ought to be fairly stated and explained by those who know of it, and who honestly wish to promote the charitable purpose of the institution. As soon as it is made known, it will of course be procured if possible.

In the mean time it will scarce be disputed, that such an establishment would be a great public benefit, and much better than what has ever yet subsisted in this Infirmary.

Now,



Now, all those things, I am confident, may be obtained: none of them perhaps without some difficulties; but I can see no difficulties in any of them which may not be surmounted with a little perseverance.

In the first place, I must not attempt to conceal, that the permanent appointment of a few ordinary Surgeons necessarily implies some additional annual expence to the Hospital. Such Surgeons must be paid for their attendance, and for their great and persevering labours in the Hospital-duty; which duty many a young Surgeon would gladly discharge without fee or reward for a few months in his life, either as a good piece of education and instruction to himself, or as a feather in his cap.

I need not enlarge on this point of the expence of such an establishment as I suggest: we shall hear enough of that from our Treasurer, whose objections will probably have more weight with some of the Managers than they will ever have with me.

On this important and interesting occasion, I think such considerations of economy must be disregarded; they are but secondary objects. I know the funds of the Infirmary are very slender; I know its expences for years together have so much exceeded its income, that it has been necessary more than once to solicit extraordinary contributions from the charity of the public. But I know also, that the public charity hitherto has always kept pace with the benevolent, though seemingly imprudent exertions of the Managers to make this Hospital as useful as possible.

The Infirmary, indeed, is poor; but this city and this country are not poor, nor are they growing poor; on the contrary, I believe the wealth of Edinburgh, and of Scotland in general, is greater at present than ever it was, and that it is increasing rapidly. I do not believe the charity of the people is diminishing; for their sake I hope it is increasing too, as it will cover a multitude of their sins.

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To that wealth and that charity, I am convinced, we may fairly and safely trust on this occasion, as soon as the nature and greatness of the evil to be removed, and of the good to be obtained, are fully understood by the public. This, as formerly hinted, was one of my chief reasons for stating our case so strongly, and illustrating it so particularly.

Poor as the Infirmary is, it is not quite so poor at present as it was fifty years ago; when the Managers, even in their utmost need, gave small salaries to the two ordinary Physicians, whom they appointed permanently to do the Hospital-duty, in order to get rid of the sad evil of the promiscuous, though gratuitous, attendance of the whole College of Physicians by rotation. The Infirmary has not prospered the less for that deviation from strict economy, which has ever since been universally approved of. Every argument which led to that establishment of the Physicians, and several more, as already explained, are applicable in their full force to the present case of the Surgeons.

It is as reasonable and just that the ordinary attending Surgeons should be paid for their permanent services, as that the Physicians should be paid for theirs, or the Druggists for the medicines which they furnish to the Hospital. The Infirmary cannot afford to pay its Surgeons *liberally*, or at all in proportion to what they would be paid for the same professional duty in private. And I have such confidence in the generosity and good sense of the Surgeons themselves, that I am convinced none of them will expect any great salary for their attendance in the Infirmary. But whatever the Hospital can afford, I think it would be better for it to give for the best chirurgical assistance, than to accept gratuitous assistance less good; just as it would be better to give the full market-price for the best food and medicines, than to give the patients bad food and medicines, though got at a lower price, or for nothing.



Let us suppose the worst that can happen, and much worse than I believe will happen, that this new expence shall not in any degree be compensated by the charity of the public when the object and reason of it become known; no greater evil can result from it, than that fewer patients annually must be received into the Hospital; but probably not less, perhaps much more good will be done to the sick poor, than at present. Now this good to be done to the sick poor, not the number of them to be annually admitted into the Infirmary, is the proper object of this institution. Every body who knows any thing about hospitals will acknowledge, that (the expenditure of money being supposed the same in both cases) it would be much better to admit only 150 patients at once, all of whom may be comfortably accommodated and properly taken care of, than to receive into the Hospital all that desired to be admitted, as used to be done in the *Hôtel Dieu* at Paris, and lay them four or five or six in a bed, with the probability of their being swept off by hundreds, either by the bad air or the contagious fevers engendered among them. This is indeed a shocking case, though a real one, and may be thought too strong an illustration: But the same undeniable general principle is applicable, whenever the number of the patients to be received is put in competition with the due and proper care of those that are received.

As to the number of permanent ordinary Surgeons that will be requisite to do the duty of the Hospital, the general principle certainly is, that it ought to be amply sufficient, but not too great. As, on the system long established, there has been but one Surgeon in attendance at once, who is supposed able to do all the duty in his department; and as there are but two Physicians to a much greater number of patients in their department, it may be thought needless to have more than one ordinary attending Surgeon; but this, in my opinion, would be a very scurvy piece of economy, and a most injudicious establishment.

If there were but ten or a dozen patients in the Surgeons department, there ought to be two ordinary attending Surgeons, not only to provide against the possible and very probable accidents of absence, sickness, or death of one Surgeon, but also that the two attending Surgeons may have daily opportunities of assisting one another, and consulting together without delay, or difficulty, or idle formality, about every case which to either of them appeared difficult, or dangerous, or doubtful. Such quiet rational consultations, either among Surgeons or Physicians respectively, or among both together, I am sure would be much more for the benefit of patients, either in hospitals or out of them, than those numerous, formal, pompous, and unavailing consultations, which have so often and so justly been made the subject of reproach and ridicule.

If there were ten times as many patients as I have supposed in the Surgeons' wards, I have no doubt that two Surgeons would be amply sufficient to take proper care of them, and would do so at least as well as a greater number would do, perhaps better; just as hath been repeatedly observed with respect both to Surgeons and Physicians in many other hospitals; and as hath been experienced in this Hospital for fifty years, with respect to two ordinary Physicians, and the great number of patients under their care.

Perhaps it will be thought right, in order that the error, if any, may be on the safe side, to have three ordinary Surgeons permanently attending in the Infirmary. But I am sure if this point is to be determined by the consideration of what is best for the patients, the number of permanent ordinary Surgeons will not be less than two, nor more than three. Any greater number would almost inevitably lead to some kind of attendance by rotation among them; implying, to a certain degree, some of the evils already shown to result necessarily from such a system.



As to the second point, the proper selection of two or three Surgeons, the most highly qualified, to do permanently the Hospital-duty; this is certainly of as much consequence as the appointment of a proper number of them. I have already acknowledged that I am no judge of the real and comparative merits of individual surgeons, and declared that I will take no concern in the choice of them for the Hospital. On this very account I may with the more freedom state those indisputable general principles, on which I earnestly wish and trust that the choice shall be made.

I take it for granted, as what no person of competent knowledge and judgment will ever seriously dispute,

1. That in the College of Surgeons in Edinburgh many more well qualified individuals may be found than can really be wanted for the service of the Hospital.

2. That it is *probable* that those are best qualified for such a trust, who, after a complete and regular education in their profession, have had the advantage of many years experience, both in private practice and in this Infirmary, and who actually have at this time great employment, and public esteem and confidence.

Of course, I earnestly wish that two or three such men were appointed ordinary Surgeons to the Hospital. Perhaps they will not thank me for this suggestion, which may seem to reduce them to the unpleasant dilemma of either declining to do what is right, and what is expected of them, or else doing what is very disagreeable and inconvenient to themselves. I certainly have no wish to give offence to any of them, and I am sensible that I touch a very delicate point.

It is not, however, so embarrassing as at first sight it may appear. Any such Surgeons who give their services in the Hospital on a new system, will have, and, what is better, will deserve, great credit with the public for doing so; more especially as it must be plain to every body that they can have no motive but honest zeal for the public

public good, when they undertake such a laborious duty. Any salary that the Infirmary may be supposed to give to its Surgeons could be no object to such men; it could not even be an adequate compensation for the time which they must employ in the Hospital.

But, on the other hand, I conceive that many such Surgeons may, not only without any discredit to themselves, but with great propriety, and most honourably, decline that service. Some are so much engaged in private practice, and are so often called to the country, that they cannot be expected to undertake such a task; because it is impossible that they can give either sufficient time or sufficient attention to their Hospital-duty. Then I trust I may without impropriety suggest, that men come to a certain age, (which it would be needlessly indelicate to state very particularly), though as fit as ever they were for the ordinary practice of their profession as surgeons, are well entitled to decline the daily labours, and very frequent performance of nice and difficult operations, which must be required of Hospital Surgeons. I have seen some Surgeons operate very well, whose eye-sight was so much impaired, that they were obliged to use spectacles; and I have known many men, surgeons and others, whose hands were very steady at the age of seventy and upwards. Yet it cannot be disputed, that, in the decline of life, the sight generally fails, and the hand shakes, to such a degree, as to make men less fit to be operating surgeons in a great hospital, than they would have been twenty or thirty years before. Any surgeon who feels in himself the beginning of these symptoms of decay, may, with the greatest honour to himself, decline the appointment to the Hospital, or withdraw from it if he had previously been appointed. Then it can be no secret, that in Edinburgh a great part of the business of those called Surgeons, is physic rather than surgery. I mean, that it is such as might be done by Physicians here, and would be done by Physicians in other countries, in which the distinction of the different branches of the medical profession



profession is strictly observed, and enforced by law ; and consequently surgeons are as much prevented from the practice of physic, as physicians (here as well as elsewhere) are from the practice of surgery and pharmacy. I have no doubt that in Edinburgh three fourths at least, more probably nine tenths, of the proper medical practice is done by the members of the College of Surgeons ; who in fact, though not in name, are the ordinary physicians in every family. Many of them, I am well convinced, would have very extensive practice, and of course great affluence, though they should never perform any great or nice chirurgical operation. This I know was for many years the kind of practice of one of the most eminent surgeons in London, who has now renounced entirely the practice of surgery, and is become the greatest physician in that great city. I have no doubt that this system will continue in Edinburgh as long as the Medical School in this University shall continue to flourish : for this plain reason, that every young man who is bred as a Surgeon in this city may easily have, if he chooses, and in fact most of them choose to have, the education of a Physician also. It depends partly on a man's own taste and future prospects at the time of his education, partly on the circumstances in which he is afterwards placed, whether he shall make physic or surgery the chief object of his attention and study, or whether he shall choose to be in his own person both surgeon and physician. Now, for this most common, and therefore most important kind of practice, a man may be well qualified who would not choose, and really would not be fit, to appear as a principal operator in a great hospital.

Yet after making all reasonable or possible allowances for these considerations, I still must think and wish that two or three of the most eminent and most experienced Surgeons may be found, who will accept the appointment of ordinary Surgeons to the Infirmary, were it but for *two or three years*, nay but for *one year* ; just to give the

the most creditable beginning to a new and rational system, to introduce and establish some of those improvements in the conduct of the chirurgical department of the Hospital, which I am no judge of, but which I am well assured are much wanted, and to preclude all suspicion of any sinister purpose in such a change of system as I recommend, and as hath long been wished for by all who are most interested, and purely interested, in the prosperity of the Hospital, and the welfare of the sick poor who are admitted into it.

But in this case, as in all cases, let us suppose the worst possible, that we may be the better prepared for it, and, as far as we can, provide against it. Let us suppose, that not one of those Surgeons who at present have the most extensive practice, which implies the greatest share of public esteem and confidence, will undertake the arduous task of Hospital-duty even for one or two years; then of course the choice of ordinary attending Surgeons must be made from among those members of their college who have not yet attained such eminence. If this be thought an evil, (I mean in comparison of the other preferable selection), let it at least be observed, that it would be a very *small evil*, or, in other words, a *very great good*, when compared with the great evil which actually has subsisted in this Infirmary for more than sixty years, in consequence of the system of rotation. Then the evil supposed, whether greater or less, would be but temporary, and most probably even from the first might be but very small. For the reasons already stated very fully, a few of the profession, who, by their merit, have attained great eminence, will probably continue to engross the greatest part of the business as long as they continue in health and vigour, even though many of their younger brethren of equal or superior talents, and perhaps equal merit in every respect, are gradually coming on. This is so generally known and understood, that it can require no illustration.

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In the course of nature, those Members of the College of Surgeons who are at present the youngest must become the oldest on the list; and some of those who are at present unknown to the public will then be most highly esteemed and most generally employed, and after a few years will give place to some of their younger brethren, yet unborn. These things, though future, are just as certain, as that none of the Surgeons at this day the most eminent, were eminent or even known to the public fifty years ago, or were born in the end of the last century.

It is equally certain, though not so generally known or attended to, that, in the natural course of science, I mean, if no unexpected and calamitous revolution shall happen, every succeeding generation will surpass the preceding in real knowledge and in every useful art. This will be the case with the science of physic as well as with mathematics and chemistry, and with the operative part of Surgery, as well as with the arts of building ships, or spinning and weaving cotton. Mankind, or at least some of the most ingenious and wisest of them, whose example must soon be followed by the rest in their several professions and stations, when not prevented by some powerful cause, will always learn and retain what is good and useful, and will discover, and correct, and supply, what is erroneous or defective, in the sciences and the arts which they have occasion to study and to practise.

It is self-evident, that whoever be the first appointed ordinary Surgeons to the Infirmary, the selection in a few years *must* be made from among those who are at present the junior Surgeons, or else from among others still younger than these.

If this (by reason of such a necessity as I have supposed) were done from the first, the difference, in point of benefit to the Hospital, between such a selection, and one made from among the most eminent and best employed Surgeons, would probably be much less than at first might be supposed; and even this difference would

would soon be at an end, and from the beginning it would in a great measure be compensated by those junior Surgeons giving more of their time and attention to their Hospital-duty than their senior brethren would have occasion, or indeed would be able to do.

But the best illustration and most conclusive argument on this point, is the ample experience which the Hospital has had within these fifty years in the permanent appointment of its Physicians. Some of these, for example, Dr Hope, Dr Stedman, and Dr Rutherford, were men of considerable standing and eminence in their profession, when they severally were appointed Physicians to the Infirmary. But Dr Clerk and Dr Drummond, the two originally appointed, and more lately Dr Hamilton, (who, it should be observed, was first appointed as *assistant* to Dr Stedman, and actually served *some years* in that capacity), were very young physicians when they obtained the permanent appointment. Yet no complaints were ever made of these gentlemen; nor do I believe that even one person was ever so irrational as to suppose that the Hospital-duty could be nearly so well done by the whole College of Physicians attending in rotation, as it was from the first by those three individuals attending permanently.

I should expect with confidence just the same kind of benefit from the permanent appointment of two or three even of the junior Surgeons. Though I am not at all acquainted with some, nor intimately acquainted with any of them, yet I know enough of several of their number, to be convinced, by their conversation and conduct, that they are men of sense and observation, and competent medical knowledge. I must presume the same, or much more, of their skill and dexterity in surgery, which they have chiefly studied: but this I choose to take for granted, having no wish, or much less than none, either to see it or feel it. The



Managers, however, may easily obtain on that point ample information from the most competent judges.

As to the third point, the nomination of assistant Surgeons; I should think it much for the benefit of the Hospital, and indeed of all concerned, that each ordinary Surgeon should be allowed an assistant, for reasons and purposes fully stated already. Such assistants may be appointed to them either from the first, as in the medical department was done near ten years ago, when Dr Freer (now Professor of Physic in the University of Glasgow) was appointed assistant to Dr Rutherford; or after some time, and at the request of each principal Surgeon; as was done more than four and twenty years ago in the medical department, when Dr Hamilton was appointed assistant to Dr Stedman.

If the principal ordinary Surgeons first appointed be men pretty far advanced in life, and much engaged in private practice, they ought to be allowed assistants from the first. If they be younger men, and less engaged in practice, the immediate appointment of assistants to them, though for many reasons desirable, will not be so necessary, and may be postponed for some years.

This it is proper to attend to; for the chief or only difficulty that I foresee on this point is, that at first proper assistant Surgeons may not easily be found. Even the junior members of their College, who have once attended, or expected to attend, as principal Surgeons, may not choose to appear in the Hospital in the character of assistants or subalterns. Perhaps they will be very angry at me for thinking it even *possible* that any of them should attend on that footing. I shall be sorry for it, but not in the least disconcerted by it; for the case will not by any means be hopeless. In the first place, they will have abundance of time to cool. Assistant Surgeons may not be much wanted for seven years or more; and in half as many minutes they will probably see that the appointment  
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of assistant Surgeons would be better for themselves in point of improvement, and infinitely better for the sick poor, than the present system of promiscuous attendance by rotation. If considerations of personal vanity, or professional etiquette, for which I have no great esteem at any time, and no patience when it is opposed to professional duty and common sense, shall still prevent any or all of the present members of the College of Surgeons from serving as assistant Surgeons in the Infirmary, we need not despair of soon finding abundance of Surgeons both able and willing to do that duty. On the same undeniable principle, that some of the present junior members are perfectly able to fill the places of their seniors, those who shall come after them will be equally able to fill theirs. In a few years there will be many new members of that College; perhaps six times as many as the Infirmary can have occasion for; and probably few of them will choose to decline an appointment, really honourable in itself, and so far advantageous, that it gives them the best possible chance of becoming in due time principal Surgeons to this Hospital and to this city.—On this account I conceive that they ought not to receive any salary, or in any way be an expence to the Infirmary; so I presume our Treasurer can have no objections to them.

For the same reason, I am sure he can have no objections to the appointment of extraordinary or consulting Surgeons, on the principle which I shall suggest. Whether these shall be more or less numerous, I do not propose that they shall receive any salary from the Hospital. Their office can never be laborious, but sometimes may be very useful, though I conceive that their assistance will seldom be required. I think the appointment should be considered, by themselves and by the public, rather as an honourable testimony of esteem for their character, and confidence in their professional skill, and gratitude for their former good services, than as a duty requiring frequent attendance and much labour.



If there be two ordinary Surgeons, still more, if there be three such appointed to the Infirmary, these will of course form the best, the readiest, and the most useful of all consultations, at least in ordinary cases; just as has been experienced by the two Physicians of this Hospital successively for near fifty years, and by the Physicians and Surgeons of many other hospitals for a much longer time. But in extraordinary cases, of peculiar doubt and difficulty, it would certainly be very much for the benefit of all concerned, for the credit of the Hospital and the Managers, the satisfaction of the public, the honour of the Surgeons themselves, and, above all, for the good of the patients, that there should be the additional aid of some other Surgeons of the greatest skill and longest experience. It is only on such occasions, which seldom occur, probably not once in a hundred cases, that any extraordinary consultation should be called.

The number of extraordinary or consulting Surgeons appointed to the Infirmary may without impropriety be greater or less, three or four, or twice as many, provided always it be understood and declared, that it is not necessary to assemble them all on any occasion; and that one or two of them will at all times be deemed a sufficient consultation. I am sure it is as much as any of us would choose for himself, or as the greatest and richest persons would have, if they had occasion for surgical assistance. I have no scruple to say, that I think the choice of the individual Surgeons to be called in to a consultation, in any particular case, should be left to the ordinary Surgeons; and that the duty of the Managers in that respect is fulfilled when they appoint as consulting Surgeons, a sufficient number of men of eminence and experience in their profession, to whom that choice of the ordinary Surgeons shall be limited.

A certain degree of mutual esteem and confidence, some respect for one another's professional knowledge and judgment, and some agreement

agreement in the general principles on which they are to act, are at least as necessary among the individuals of a consultation, as their having all been bred to the same profession. But those accomplishments are not always to be found, and sometimes the very reverse of them is to be found in a supereminent degree, among Physicians and Surgeons.

We are certainly a most amiable brotherhood; as every person must acknowledge who has had the good luck to see but a dozen and a half or two dozen of us together, especially if he saw us at dinner. Yet, whatever the majority of us may be, I am afraid we are not all perfect angels. Some of us at least appear to be made of the same flesh and blood, and to be subject to the same frailties, and passions, and vices, as other men. The consequence is, that when two or three of us are set down together in a little town, or fifty or an hundred of us in a great town, and obliged to scramble for fame, and fortune, and daily bread, we are apt to get into rivalships, and disputes, and altercations, which sometimes end in open quarrels and implacable animosities, to the very great annoyance of those who are, and the no less entertainment of those who are not, our patients. A consultation among any number of such angry physicians or surgeons, in all probability, will conduce as little to the benefit of their patient, as a congress of an equal number of game-cocks turned loose in a cock-pit; for probably the good of the patient will be the last and least object of their thoughts. This is so well known by many disgraceful examples, and has so often been made the subject of merriment and ridicule in novels and comedies, that I believe many very sensible people are seriously convinced that a consultation is but a farce; for I have an hundred times known such people decline having a consultation of us, when I proposed it, and urged it as strongly as I could. Those who think our consultations mere farces must of course think it of little or no consequence how they are performed; or may even think that



that the more absurd and ridiculous they are made, the better those farces will be.

If I thought so, I should never remonstrate against the present system of consultation among the Surgeons of this Infirmary; that is, of all the Surgeons of Edinburgh, to the number of twenty, thirty, or more, who may choose to attend and take a share in it: for I have not imagination enough to conceive any thing of the kind more systematically absurd, or less for the good of the patients, or more inconsistent with the purpose, and almost with the very notion of a consultation.

That promiscuous and multitudinous congregation of all the members of the College of Surgeons, who choose to attend and consult about a poor patient in the Hospital, is one of the many bad consequences which result from the bargain made by our predecessors with the Surgeons; and, though trivial in comparison of some of the other evils already pointed out, is in truth a very great nuisance, which ought to be removed as soon and as completely as possible.

In saying this, I mean no disrespect to the Surgeons, either professionally or personally. Any *one* of them may be a very good surgeon; any *two or three* of them (bating only the chance of personal animosity and systematic irreconcilable difference of opinion) may make an excellent consultation, such as any physician, or any one of themselves, or any man of sense, though not of the medical profession, would be perfectly content with, if his own life or limbs, or those of the persons dearest to him, were at stake; and *all of them* taken together, (with only two or three months instruction from a clever drill serjeant), I am convinced would make an admirable platoon; such as would do credit to the first regiment of Royal Edinburgh Volunteers. But how such a platoon can ever serve the proper purpose of a consultation, or any good purpose to

the sick poor, in the Hospital, or out of it, is to me utterly incomprehensible.

My veneration for my own profession, and for those who practise it, is not excessive; and many things in the theory and the practice of it I consider as fair objects of ridicule, contempt, and reproach. I trust, therefore, I may have some chance of meeting with credit, when I declare that I do not regard proper consultations of medical men as frivolous or useless, but quite the contrary; in numberless cases they are just what will best conduce to the relief or cure of their patients. In all cases either of *doubt*, or of *great danger*, a physician must be wonderfully ignorant, or wonderfully arrogant, most probably both, who does not anxiously desire a consultation, either for his patient's sake, or for his own. I am not quite so sure of the advantages of consultations in cases not properly of doubt, but rather of *difficulty*, whether of danger or not, in which the practice of the Physician or Physicians first employed proved unsuccessful. In many of these cases I am convinced it would be much better for all concerned, and especially for the patient, if the Physicians first employed were allowed to withdraw, and others, (first sufficiently informed of all that had been done or tried), without any restraint or embarrassment, were permitted to try what they could do. This, in substance, is one of the oldest and most judicious regulations with respect to the medical practice in this Infirmary; suggested, I have no doubt, by some experienced physician of good sense, and candour, and accurate observation of what he met with in his practice. I have often given that advice to patients of my own in private practice, and sometimes have got them to follow it; but in general it is wonderfully difficult to make them understand that they are not the property of their physicians, and that, on the contrary, the services of their physicians are their property.

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The real uses and advantages of consultations among medical men, and some of the evils and abuses to be feared in them, are so well pointed out in a much esteemed work of one to whom I owe more than a scholar's duty and respect, and his observations are so much in point on the present occasion, that I think I cannot do better than quote his words.

"There are often unhappy jealousies and animosities among those of the profession, by which their patients may suffer. A physician, however, who has any sense of justice or humanity, will never involve his patient in the consequences of private quarrels, in which he has no concern. Physicians in consultation, whatever may be their private resentments, or opinions of one another, should divest themselves of all partialities, and think of nothing but what will most effectually contribute to the relief of those under their care. If a Physician cannot lay his hand to his heart, and say that his mind is perfectly open to conviction, from whatever quarter it shall come, he should in honour decline the consultation. Many advantages arise from two Physicians consulting together, who are men of candour, and have mutual confidence in each other's honour. A remedy may occur to one which did not to another; and a Physician may want resolution, or sufficient confidence in his own opinion, to prescribe a powerful but precarious remedy, on which, however, the life of his patient may depend; in this case the concurring opinion of his brother may fix his own. But, if there is no mutual confidence; if opinions are regarded, not according to their intrinsic merit, but according to the person from whom they proceed; or, if there is reason to believe, that sentiments delivered with openness are to be whispered abroad, and misrepresented to the public, without regard to the obligations of honour and secrecy; and if, in consequence of this,

“ a Physician is singly to be made responsible for the effects of  
 “ his advice; in such cases, consultations of Physicians tend ra-  
 “ ther to the detriment than to the advantage of the sick, and the  
 “ usual and indeed most favourable conclusion of them is some  
 “ very harmless but insignificant prescription.”

These remarks of my father, in his Lectures on the Office and Duties of a Physician, read in this University more than thirty years ago, are evidently as applicable to Surgeons as to Physicians. With respect to both, and their patients, it is plain that all the good that can be expected from a consultation may be obtained from one of two, or three, or four, at the utmost, at least as well as from one ten times as numerous; and I should think it almost as plain, that much of that good may be prevented, and much positive evil done, by a very numerous consultation.

On this point, I presume, without vanity, to know as much as most men. For full half my life I have been a Professor of physic in the University of Edinburgh, during which time consultations have been a great part of my business, to the number certainly of some thousands. Nineteen times out of twenty at least I have been the youngest Physician of the consultation, and of course, when any written directions were to be given to the patient, have had the honour to put them in writing, to the number, I presume, of two or three hundred at least. I can say with confidence in point of fact, that I never yet knew any good come of a very numerous consultation; and I doubt much whether any Physician or Surgeon of competent experience will give a different account of the result of what he has observed.

Once, and but once, in my life, I was at one of those grand consultations of all, or almost all, the Surgeons in Edinburgh, and that once to my great confusion and sorrow; for I was accidentally the innocent cause of it. It happened near twenty years ago,



when I was attending as Clinical Professor, that a man came under my care in a very particular situation. From the account which he gave of his own illness, and from the symptoms observed in him, it was plain that he had had, about six weeks before, a severe inflammation of his lungs, which had terminated in a great imposthume; and that this imposthume, instead of bursting into the lungs, so that the matter might be spit up, had burst into the cavity of the breast, forming a disease well known in physic by the name of *Empyema*. This was put beyond all doubt by the previous history, and all the concurrent symptoms, and above all, by the characteristic symptom of distinct fluctuation in the breast, both felt and heard. Knowing no medical cure for such a disease, knowing the natural tendency of it to be fatal, knowing no chance that the man had for life but a certain surgical operation, and thinking the danger of this would be less, and the probability of success greater, if it were done soon, than if it were delayed till his strength were further exhausted, I thought of the operation from the first, but durst not prescribe it at once, as I should have done a common tapping for a dropsy: it is very uncommon; it is reckoned dangerous to life: I had never seen it performed, nor indeed had I ever seen the disease before. After a few days trial of remedies, which, as I expected, proved ineffectual, I said, at my public visit, that I must have a consultation with the Surgeon, meaning a quiet private consultation with the attending Surgeon personally. By some mistake in the expression, whether mine or my clerk's I know not, this was understood to mean a full consultation of all the Surgeons, without delay, on a most urgent case. Such a consultation was accordingly summoned; but I knew nothing of it, till, calling in the evening to enquire about my clinical patients, I learned, to my great astonishment and vexation, that the operation-room was full of students waiting to see the extraordinary

nary operation performed, and the consulting room as full of Surgeons who were busy examining my patient. Thither I went immediately; more anxious to make the best excuse I could for so absurd a mistake, than to take any share in the consultation. There I found my man in the middle of them; and a most formidable array it was. I do not remember the exact number of them; nor could it easily have been counted. A clever exciseman, if he were allowed to gauge the consulting room, could tell within half a dozen; for the room was almost as full as it could hold. But the number of the consultation is of no moment; and I remember well the result of it, and the event of the case. It was decided, after long discussion, that the operation at that time was not advisable; and it was recommended to me to try what I could do for the patient in the way of medical practice; which I had actually been doing, for some days, without the least benefit, or prospect of benefit to him, that I could see.

The laugh went so much against me on that occasion, and the mountain in labour was so strongly before my eyes, that I could do nothing but shrug my shoulders and hold my tongue: fully resolved, however, not to try such another consultation, without irresistible necessity.

My man, of course, died; not indeed in the Hospital; for, finding he grew rather worse than better, he soon tired of me and my medical practice, and, in less than a fortnight, went away to Glasgow, where he died in six weeks.

Perhaps I shall be told, that, if the operation had been performed as I proposed, the man might have died in the sixth part of that time; and that then, I who advised it, and the Surgeon who performed it, would have been said to have killed him. Very probably both these evils would have happened; as they may happen in every case of a capital operation in surgery; but, when such an



operation is performed, the patient probably has his best or only chance for life.

It must not be thought that I mention that case as a proof or example of ignorance in the Surgeons; quite the contrary: without any compliment to them, I may say with confidence, that every one of them, and, probably, two thirds of their apprentices, and my students, who were assembled in the operation-room expecting to see the operation performed, must have known the disease from its unequivocal symptoms; and must have known that the operation was the patient's best or only chance for life. I give it as an example, and a fair illustration, of the inefficacy of such multitudinous and ill-assorted consultations; and of what my father has so gently but emphatically said, that they "tend rather to the detriment than to the advantage of the sick; and the usual and indeed most favourable conclusion of them is some very harmless but insignificant prescription."

It is well known that some individuals, from excessive but very natural anxiety for themselves, their families, or their friends, and that others, as a piece of state and pomp befitting their rank and fortune, now and then congregate an unnecessary and inconvenient number, perhaps as far as five or six medical men, for a consultation, day after day. But even such consultations are uncommon; and if the patients and their friends are pleased, we have no reason to complain of them. If every great and rich man in the kingdom should choose, as a piece of state, to go out of the world with the help of five and twenty Physicians, and as many Surgeons, as they commonly choose to be dragged to their graves by six horses, when two could do the work just as well, I have no objections: for it is plain, that neither we nor the undertakers can lose any thing by so magnificent a fashion, if it were to prevail universally.

But, in fact, no man in his senses, or out of his senses, that I have heard of, ever yet thought of such an extravagant absurdity. This cannot

cannot be from parsimony; for many individuals could afford to have such a splendid consultation for themselves or their families, just as well as to have a splendid funeral, or a splendid monument, or to make a jaunt to three or four watering places in succession. It is plain, therefore, that such a consultation is generally thought useless at least, if not worse.

The conduct of Physicians and Surgeons, when themselves or any of their families are sick, affords a still better proof and illustration of the same truth, and is indeed supreme and decisive authority with respect to what is useful, or what is useless, or worse than useless, in medical consultations. With us all considerations of economy are out of the question. Bad as we may be thought, we are not such Cannibals as to prey on one another. We may all have, for nothing, to ourselves and our families, as much assistance in point of physic and surgery as we choose. We feel strongly, that we have not sufficient calmness and firmness to judge and act properly, when the lives of those are at stake in whom we are most tenderly interested: and as to ourselves, when sick, we all know, for it is a long settled point in physic, that every man who doctors himself, has a fool for his patient.

For these reasons we are all accustomed, when ourselves or our families are sick, to ask the assistance, not of *all*, but of *some*, of our professional brethren. We all consider it as the greatest compliment that they can pay us, or rather as the most honourable and strongest proof of their good opinion and confidence, when any of our brethren ask our advice and assistance on such occasions. We have therefore no motive to make the consultation less numerous, and a very strong motive, in every such case, to make it more numerous than what we know would be best for the patient; yet such consultations very seldom are of more than two or three of us. The reason of this we all know so well, and we can so easily make the case our own, that none of us (I trust) ever dream

of



of being affronted, or taking it amiss, when those of our professional brethren, with whom we live in intimacy and friendship, do not ask our advice and assistance in such a consultation.

Let us, for the sake of illustration, suppose the extreme case of the opposite kind, but corresponding exactly to what is actually done for the sick poor in the Infirmary.

Let us suppose that a Physician or a Surgeon, when himself or any of his family needed the professional assistance of his brethren, instead of calling in one, or two, or three of them, should summon a grand consultation of all the Members of the Royal College to which he belonged; I presume the consultation would instantly agree that it would be proper to secure the unfortunate gentleman's windows, and provide a steady keeper and a strait waistcoat, for fear of what might happen in the next paroxysm. Or if a man, meaning to engage in a lawsuit to recover a good estate, were to call a consultation of all the lawyers at the bar, and if it were possible for them to agree in any opinion, I presume they would agree in thinking him mad, even though he were one of their own brethren, who might have their advice for nothing.

Will it then be believed, or seriously maintained, that such a consultation can be rational or good for the sick poor in the Hospital, which it would be regarded as insanity, to propose for the rich when sick in their own houses?

Some of the many objections to such multifarious consultations must be intelligible and obvious to every person of common sense; others of them, quite obvious and familiar to us, must require some explanation to make them be understood by those who are not of the medical profession.

The consultations which we read of in the works of Moliere, and Le Sage, and Fielding, and the New Bath Guide, and fifty other books, are certainly very entertaining; so perhaps would many of our real consultations be if they were as generally known.

But

But here an important distinction must be made, which in general has been overlooked. They are not equally entertaining to every body; commonly they are most entertaining to those who are not interested in them, and not in the least entertaining to those who are. I do not know a worse joke than a consultation of Physicians is to the person who is the subject of it, except a consultation of Surgeons: for this involves the horrible notion of pain in addition to danger or death.

Accordingly many a very facetious man, who used to have a large assortment of excellent stories and jokes on our Faculty, cannot think of one of them, when a few Surgeons are consulting whether he shall lose his life, or only one of his legs.

It is with them and the Faculty just as with those wags who have an inexhaustible stock of the best old jokes on the Clergy, and on Religion; but when they are dying of the dropsy, or going to be hanged, lose at once all relish for them, and look almost as grave as the Physician or the Judge who condemned them.

I can suppose a man of such firm nerves, that in the midst of five and twenty Surgeons consulting whether he shall be cut for the stone, he shall mind them no more than as many hobgoblins shown by a magic lanthorn, and withal of so facetious a disposition, as to exclaim before they have ended their consultation,

*Centum me tetigere manus Aquilone gelata;*

*Non habui febrem, Symmache, nunc habeo.*

But truly such good nerves and such drollery are very rare on such occasions; and the direct contrary of them is very common. I have read an epitaph, and an excellent one it is, on a man who died for fear on hearing the name of a great Physician; and if it were necessary, which I presume it is not, as the fact is pretty well known, I could prove that within these few years, and within a few



few miles of this city, a patient *bona fide* died of fright in less than two hours, on seeing one of our most eminent Surgeons who was sent for to perform some operation on him, and who probably will not thank me for mentioning the casualty in a printed Memorial. But I must do him the justice to say, that he was in no degree to blame, having behaved with the utmost caution and delicacy. Finding his patient irresolute and reluctant, he withdrew for about an hour, to allow him time to recover his spirits, and on his return found him either dead or just dying.

Such casualties are indeed rare: But there is nothing either rare or casual in the horror and mental agonies which every person feels in such circumstances: they are as certain, and sometimes as bad, as the bodily pain in an operation.

Many of our greatest heroes, both in red coats and in blue, men who would boldly march up against a battery of cannon, or joyfully obey an Admiral's signal for close action and breaking the line of battle of an enemy's fleet, will grow pale at the sight of only two or three Surgeons, when these come to consult about them. And many a poor patient, when he is set down in the midst of five and twenty Surgeons in this Hospital, I have no doubt, feels all the horror, without the faith, of the Prophet Daniel, when first he took his seat in the den of lions.

Much of that mental suffering and horror, just like much pain in cutting for the stone, is unavoidable, and must be submitted to without repining. But on this very account, any greater or unnecessary mental agony ought the more carefully to be avoided. It is not only an evil, but as truly a moral wrong done to the sufferer, as any unnecessary bodily tortures inflicted on him in performing an operation. It is as truly an outrage on human nature when done in an Hospital to a poor man, as if it were done in a splendid mansion to the rich owner of it, where no Surgeon durst propose such a horrible consultation.

Within

Within these three years, the Surgeons and their consultations have made the old consulting-room too hot for the Physicians, who were fain to apply to the Managers for the use of their room as a place to meet in. There I found them, most advantageously posted, the last time that I attended in the Infirmary as Clinical Professor, (winter 1798-9), the Surgeons being left undisputed masters of the old field of consultation in the higher regions; that field which had served both Physicians and Surgeons for more than fifty years. Much merriment, as I have been told, and some curious surmises were produced when the Physicians shifted their quarters, and took post separately from the Surgeons. In truth, much was implied in it: more than has yet been explained. It is not yet precisely known whether the Physicians were fairly elbowed out of the old consulting-room by the annually increasing Host of Surgeons, or whether they had no taste for chirurgical consultations and chirurgical eloquence, or whether they had liked these things at first, but had got a complete surfeit of them at last: for wise men generally find, sooner or later, that they may have enough of the very best things. I have not presumed to ask any questions on this point, either of Dr Hamilton or Dr Rutherford, for a reason which they, and every person who reads this paper with attention, will guess and understand at once. I have some five and twenty or thirty other questions, the least of them of much more importance than that one, to put to them, which, in case of need, I should wish them to answer in the most public and solemn manner. From doing this, I should be very sorry that they were precluded by any private or confidential intercourse with me on the subject of this Memorial.

Such a numerous meeting, even of professional men, is not a consultation: it becomes a popular assembly: the leaders in it must be Orators: the business, if it can be done at all in such a Parliament, (which I greatly doubt), must be done by plentiful freedom



of speech, and debating, and haranguing. A modest man cannot, a well employed Surgeon will not, take a share in such debates; for which he can have neither time nor inclination. A man of sense and real knowledge of his profession will engage in them very seldom, and always with reluctance; well knowing, that in ninety-nine cases of an hundred, the best medical debates and harangues that can be contrived will tend as little to the benefit of a patient as to the payment of the national debt. The natural talents and acquired accomplishments which make a great Orator, are considerably different from those which make a good Surgeon or Physician. That quickness, and keenness, and ardour of thought, that power of fancy, and fluency of words, even that vehemence of passion which hurries away the speaker, and often his hearers too; nay, sometimes that petulance and arrogance which enable an orator to misrepresent and browbeat an opponent who is a man of worth and modest sense;—all these qualifications, so essential to the Orator, are the direct contrary of that patient thinking, that calm cool judgment, that pure and honest love of truth, that candid attention to the sentiments of others, and willing deference to the opinion of another, even an opponent, when it appears to be just, that are most necessary in science, and in the consultations of Physicians or Surgeons.

The character of a medical orator is as well known, and as justly esteemed in this country, as that of a coffeehouse politician. A peculiar circumstance in the system of medical education in this University has made it very common with us; I mean the various medical societies, in which our students very laudably exercise themselves with great ardour and perseverance in writing and debating on medical subjects.

These societies, on the whole, have done infinite good, and have contributed essentially to the prosperity of our medical schools.

but, like every other human institution or contrivance, they have their inconveniences also.

Their chief use consists in this, that they excite and preserve among the students a kind of ardour and enthusiasm in the pursuits of knowledge, which are almost unknown in other Universities. They turn to some good account (though certainly not the best possible) that sacred fire of youth, which in many other places is absurdly smothered by ridiculous monkish restraints, and often is shown only by breaking foolish rules and idle forms, that are good for nothing but to be broken. Our students, far from being a parcel of young drones, listening quietly to the hum of a few old drones, which is too generally the case in other Universities, are commonly as eager to learn as we are to teach them. This our Librarians can amply testify, who find, to their sorrow, that their office is the reverse of a sinecure.

Those societies serve many other good purposes. The practice of writing papers, bad as many of those first essays must necessarily be, tends powerfully to give the authors of them some precision, and exactness, and arrangement of their medical notions; it accustoms them to research and investigation, and often gives them a taste for such laborious exertions, both by reading and by experiment. The practice of speaking and debating gives them a quickness, readiness, and command of their knowledge, real or supposed, on medical subjects: it teaches them to discuss freely all medical opinions and reasonings, and to detect the fallacy of them when they are fallacious, which is the case with most of them: it teaches them to think for themselves, and completely exempts them from the thralldom of authority in science; so completely, that many of them do not even know, and can hardly believe what it was, and have been much entertained when I explained it to them, and showed them some instances of it.



The bad effects of those debating societies among our students are equally well known. On the principles already explained, (page 206.), a young man may in them be highly distinguished by the exercise of talents the very reverse of those which are essential to the acquisition of medical or of any science. Such men will of course become orators, not men of science or Physicians. In fact, I have known several instances of such orators, who, after completing their education in physic, very wisely quitted it as a profession, and betook themselves to the bar.

Another bad effect of them, common to those who are orators and those who are not, is, that the members of them, who, from their age and situation, can have no experience of their own to which they may trust for the decision of such questions, learn to consider, not only every *opinion*, especially those of their Professors, which is fair and right, but every *observation* and *testimony*, with respect to any *matter of fact* in physic, as equally a subject of dispute. Such disputes are not right, but only excusable at best, even in a society of students. When carried further, and brought into the world in publications, still worse if introduced into the practice and the consultations of physic and surgery, they are not only useless and endless, but disgraceful. Reasoning being out of the question with respect to the truth of particular matters of fact, and testimony with regard to them being rejected with contempt, it is hardly possible that such disputants should ever agree at last in opinion, or contribute to each other's instruction, or concur in doing any good to a patient. They must be allowed to worry one another till they are tired, and to try it again and again, whenever they are so inclined. But it seems to me unjust and cruel, as well as unreasonable, that others, especially that their patients, either in hospitals or out of them, should suffer by those recreations of their medical advisers.

Another

Another supposed bad effect of those societies (at least in part, for it would be unjust, and contrary to a well-known truth, to impute it entirely to them) is, that the members of them are often tempted to waste a great deal of precious time, and much labour and ingenuity, in useless speculations and discussions. But this evil, as necessarily resulting from the imperfect and erroneous state of the science and the art of physic, to a certain degree is unavoidable.

"*There must be a Tub to amuse the Whale,*" said DR CULLEN to my father, who had expressed his concern at seeing so many of our students mis-spend their time and labour in that manner, and had even taken the liberty of a friend and a colleague to remonstrate a little with him on some of his own most favourite speculations, neither the truth nor the usefulness of which my father could perceive. DR CULLEN's answer was that of a man of genius, who thoroughly understood his own profession, and the situation in which he was placed. It conveyed more knowledge of physic and of human nature than I have been able to find in a great and very popular work on the Theory of Physic, which has been more highly extolled than any other that has been published in my time; which seems to have been composed and published in sober earnest; which has been quoted a thousand times with all the veneration due to the *Principia* of Newton or the Chemistry of Lavoisier; and which, to the eternal disgrace of this age and nation, and especially of the medical gentlemen, has actually been mistaken for a book of science. It is a work of genius and fancy; but it bears no nearer resemblance or relation to science than the Rape of the Lock does to the historical writings of Tacitus.

DR CULLEN's notion, which I have often heard him express fully and without a metaphor, was, that the first and most essential requisite in a student of physic was ardour in the pursuits of science; and that though this ardour might often be ill directed,

and



and much labour and ingenuity wasted on frivolous subjects, yet, on the whole, that every man with ardour and perseverance, and no man without them, would make progress at last.

In their societies that ardour of our students is excited to a degree of enthusiasm; sometimes, if I may take the liberty to say so, approaching very near to phrenzy. Their debates on controverted points have sometimes been conducted with all the violence of party-spirit. Within my memory, some of them fought with pistols about their medical systems; many more were eager to do the same: from what I have seen and heard, I can have no doubt that some of them would gladly have died martyrs to their medical faith. One zealot, out of stark love and kindness, resolved to convert me to that faith, came to my house on pretence of asking some questions about what I had taught in my lectures, and regaled me with an harangue, of which I understood not one fiftieth part, but which lasted near an hour, and was delivered with such vehemence of gesture and passion, that he not only sweated profusely, but literally foamed at the mouth. If he had gone but a very little farther, or had repeated such exhibitions, it would have been my duty to have got him confined as a lunatic.

Two and thirty years ago, when Dr CULLEN's Tub to amuse the Whale was in the highest repute, and, of course, was the great subject of enthusiasm among the students, one gentleman concluded his Thesis by declaring roundly, and I dare say very truly, that he would rather be in the wrong with Dr Cullen, than in the right with other people. *Si erravero, tamen, cum Newtono et Culleno, magna constantem errore, quam, cum vulgo hominum, ignave sapere, potius juvabit.*

Twelve or fourteen years afterwards, but long before Dr Cullen's death, when his Tub had been knocked to pieces, and the Whale had got another to play with, one of our students was so delighted with his new plaything, and held in such contempt the old

one, which perhaps had amused his father, that he began his Thesis, which I would not allow him to publish, by declaring flatly, that till the new doctrine was broached which he was going to expound, there had been either no principles or only false principles in physic. *Cum, præter unam doctrinam, nuper et nondum omnem in lucem editam, aut nullis aut falsis hæctenus medicina principis culta sit,* &c. with an asterisk of reference to *Brunonis Elementa*. This Tub has since that time drifted over to the continent, and a few years ago afforded infinite amusement and full employment to the great Kraken of Germany : perhaps it does so still.

But the most complete and ludicrous specimen of the importance of the debates, and of the orators in their own eyes, one far beyond any thing in the memoirs of P. P. clerk of this parish, and such as I should not venture to mention, were I not confident that others must remember it as well as I do, and that perhaps some copies of the papers may still remain, was a newspaper actually published in Edinburgh, containing an account of the debates in one of the medical societies, or, for aught I know, in all of them, for the edification of the public ; somewhat in the style of the newspaper accounts of the debates in the two Houses of Parliament. If I remember right, I saw two or three numbers of that paper : I do not remember the year of it ; nor do I know how long it was continued : considering the nature of the debates, and the price of paper, print, and stamps, I presume not many months.

Yet, after all, that part of our medical education has done much more good than harm. The good of it is great, general, and permanent : the evil partial, and, though not small, generally transient.

*Unus et alter*

*Forſitan hæc ſpernant juvenes, quibus, arte benigna,*

*E meliore luto finxit præcordia Titan.*

Such



Such young men, of superior sense, will from the first obtain all the good and none of the evil which those institutions can produce. I have had the pleasure of seeing many instances of this kind. Others, according as they have more or less of the coxcomb in their composition, and according to the opportunities they have of improvement, by being actually engaged in the practice of their profession, may not be thoroughly cured of debating and haranguing for five, ten, or twenty years: some are absolutely incurable; and are as great orators, and as little physicians, at the age of sixty, as they were at four and twenty. This they generally find to their sorrow, when it is too late. With a view to the one thing needful, I mean the guineas, *the guineas*, the prattle of a London apothecary, and some little knowledge of Quadrille, will go farther than all the science and all the eloquence that ever were acquired or displayed in a medical society or a medical consultation.

Much, however, may be said in excuse for those medical gentlemen, of whatever branch of the profession, who fall into the error to which I allude. They are misled by some plausible but deceitful analogies. A smart boy just let out of the nursery to engage in the study of Physic, as soon as he discovers what are the usual subjects of medical disputes, and how these disputes are conducted, will instantly think of his old wholesome exercise of shuttlecock; and of course will reckon those the greatest proficient, and the best models for his imitation, who keep them up the longest without any decisive or apparent advantage on either side.

A young man, of good talents also, but riper years and judgment, who has already made some progress in the sublime science of newspapers, will almost certainly be deceived by the dazzling but treacherous and very dangerous analogy of politics. Every such youth must perceive at once, what we all know to be true, that any man, even in a coffeehouse or an alehouse, who chooses to speak  
much

much about politics, becomes *ipso facto* a politician, and is respected accordingly by all who know him. But in some other houses the effect of that more vigorous exercise of the lungs which we call public speaking is much more admirable, and would be incredible were it not a matter of daily observation. In a very short time, *citius quam asparagi coquantur*, it converts fops, jockeys, and ruined gamesters into the firmest and most virtuous patriots, and the most consummate statesmen. It has even been said, that the strong vociferation of two monosyllables, *aye* and *no*, according to certain rules, has nearly the same effect. But this I doubt.

It is much to be lamented, for the sake of the science and the art of physic in all its branches, as well as of those who practise it, and of those on whom it is practised, that this unlucky analogy of politics has of late been so much attended to, while the more just and strict analogies of other sciences and other arts have been totally overlooked.

No man ever yet became, or was even supposed to become a good mathematician or a good chemist by haranguing and disputing about mathematics and chemistry. Very few good Generals have been made by debating and voting about the art of war. Not one good Seaman, or Painter, or Fiddler, or Cook, or Postillion, or Surgeon, or Physician, so far as I have heard, was ever yet made by debating, haranguing, and voting about their respective professions.

Even in that noblest of all arts and sciences, Politics, which is learned in its utmost purity and practised in its highest perfection by such means, a very numerous consultation, though of the greatest and most experienced practitioners, is liable to the same inconveniences as a very multitudinous medical consultation, and seldom does any good to the patient; frequently ending in "some very harmless but insignificant prescription."



No College of Physicians or Surgeons on the face of the earth can in conscience or common decency pretend to be either wiser or better than the Lords Spiritual and Temporal and the Commons of Great Britain in Parliament assembled. Yet we all know what generally happens when they engage in very numerous consultations for the safety, honour, and welfare of our Sovereign and his kingdoms.

I waive here all consideration of those controverted points, which evil-minded people conceive to involve the everlasting business of Ins and Outs, and Loaves and Fishes. If our statesmen, to the number of two hundred, or of five hundred, were really to consult about such points, it would evidently be as impossible for them ever to agree about a prescription, as it would be for any four of them playing at Whist together to be all on one side.

I shall consider only such of their consultations as have nothing to do with Ins and Outs and Loaves and Fishes, but relate to subjects which they must all understand, in which they are honestly interested, and act to the best of their judgment, unbiassed by any kind of party-spirit. Since this Memorial went to the press, there has been a grand consultation of both Houses to consider of some good and effectual prescription for the fashionable distemper called Adultery. The subject must have been quite familiar to them, as many of the greatest and wisest men in the nation, and also their wives, and their sons, and their daughters, and their fathers and their mothers for many generations, have been grievously afflicted with that distemper. The consultation was managed in both Houses in a grand style, such as has seldom been equalled, and perhaps never surpassed, in the consulting-room of the Royal Infirmary of Edinburgh. The consultation was continued for many days in each House, the most eminent practitioners giving their opinion and advice at great length,

and

and with much vehemence. We all know the result: each House was nearly equally divided: and the decisions of the two Houses were contradictory. The practitioners could not agree on any prescription: and accordingly they gave us none. *Plectuntur Abivi.* For aught that the grand consultation has done for us, 500,000 of the best of us may suffer sorely by that fashionable distemper before next Christmas; and some of us may exhibit the last dreadful symptom of it; the political name of which I do not know, but in physic we call it *Exostoses* on the skull.

More than a fourth part of my life (which has not been a very short one) has elapsed since our statesmen began to consult, in the same spirited style, about the abolition of the Slave Trade: they have had consultations innumerable about it, in the course of twelve years or more; and have actually wasted more bad breath on that one subject, than all the consumptive patients in the world have had since the creation of it. To the best of my judgment, they are at this hour rather farther from agreeing about it than they were the day before they began to it. They have indeed, after much difficulty and most violent altercations, (far beyond any that I have ever known among Physicians), agreed on "some very harmless but insignificant prescriptions:" but, if they continue as they have begun, I doubt whether my great-grandchildren will live to see the end of their consultations, or of the Slave Trade.

My confidence either in the wisdom or in the virtue of politicians and statesmen is very small, which is probably owing to my profound ignorance of their trade, and to my never having had the happiness of any personal acquaintance with those who practise it. Yet, if one or two of the *Ins* were to meet with one or two of the *Outs*, quietly and privately, in consultation, to consider of any the most difficult question that could be discussed,



for example, a proposal for a new administration on a broad bottom, even I should expect that they would soon come to a right understanding; and agree as perfectly as any two or four of the greatest Physicians in London could do about taking their Guineas, and sending a patient to be stewed at Bath, or to die at Bristol. Not one of the orators, I humbly conceive, though he had the lungs of Stentor, would waste one shred, or bestow one blast, of them, on his brethren. But the case, I presume, would be widely different, if the same Honourable or Right Honourable Gentlemen were set down on the green benches in St Stephen's Chapel the day of a call of the house, and were obliged to consult in public on the same question. Then the spirit of the Orator, the Politician, the Demagogue, the Whig, the Tory, the In, the Out, the Minister, and the Patriot, would be kindled in a moment, and would produce an explosion more loud, more useless, and more pernicious than a fire-damp in a Newcastle coal-pit.

But in truth, neither the violence nor the inveteracy of party-men in politics, great as they are justly thought, and generally known, can give to those who are unacquainted with the disputes among medical men, any notion of the implacable rancour with which they have generally been conducted. Politicians, after the most violent disputes and quarrels, the most inveterate enmity, the bitterest revilings and mutual accusations, have been known to unite cordially, to become the dearest friends and sworn brothers, even for the trifling consideration of private interest; while to serve their country, though but in the humble station of understrappers, Whigs have become Tories, and Tories, Whigs: They have become all things to all men; and have returned at last to what they were at first.

To the best of my knowledge and belief nothing of this kind  
ever

ever happened in phyfic. Those who engage keenly in medical disputes generally are men

“ Whose souls the Furies steel’d,

“ And curs’d with hearts unknowing how to yield.”

The true *Odium Medicum* approaches nearer than any thing else known in human nature to the genuine *Odium Theologicum*. It has even been doubted by competent judges which of the two is the worse; for though Physicians have never yet carried the joke so far as to burn alive their adversaries whom they could not convert, as Dominican monks and others used to do very successfully with their obstinate opponents, yet there is reason to suspect, that this reserve and delicacy on the part of our Faculty, has proceeded more from want of power than from any want of good-will to the work. It is certain at least, that at one time, about two hundred and fifty years ago, in Spain and Portugal, they fairly tried it, and that they had well nigh succeeded in their attempt.

There can be no doubt, that the inveterate rancour of medical men in all their professional disputes, is one of the bad effects of “ the fruit of that forbidden tree, whose mortal taste brought “ death into the world, and all our woe,” or of some degenerate bastard sort of it, which is every where met with, and seems to produce effects almost as bad as the genuine poison. It is remarkable, that of the fruit of the tree of medical knowledge it is easy to get a mouthful, and very difficult to get a bellyful, it being in such general request; and still more remarkable, that the smallest portion of it, so small a portion as to elude all observation, often produces more violent and worse effects, than the largest quantity of it that any person has hitherto been able to procure for himself. In some constitutions, the effects of a small particle of it are more ridiculous



ridiculous than dangerous, the patient only prattling foolishly, and acting absurdly, in a thousand ways, but not becoming mischievous or outrageous. In other constitutions, the effects of a small mouthful of that unlucky fruit are much more alarming than those of deadly nightshade, or the strongest Scotch whisky; the patient not only talks, and writes, and acts absurdly, and sometimes outrageously, but quarrels implacably with all who differ from him in opinion, especially with his own professional brethren.

Hence it is that much more than ninety-nine parts in the hundred of all that has been written on the Theory and Practice of Physic for more than 2000 years, is absolutely useless, and unworthy to be known but as a matter of curiosity, or a miserable example and warning of the worst errors to which we are prone. A large proportion of those writings consists of controversies, generally carried on with the bitterest animosity. Though I am not so well acquainted with the particulars, I know in general that the same is true with respect to the writings on the Theory and Practice of Surgery.

Before any person not of the medical profession, and unacquainted with the history and the present state of it, can believe such things, it is necessary that he should understand them. For this purpose a very short explanation and a few examples of the subjects of medical controversies, and of the manner in which their disputes have been conducted, may suffice.

Those to whom the subject is new will find it less surprising, and more credible, if they will consider what is well known with respect to Religion, and the numberless keen controversies to which it has given rise. Even with the aid of the Holy Scriptures to enlighten their understanding, determine their faith, and soften their hardness of heart, Theologians have differed rancorously on a thousand points. What better then could be expected of physicians and surgeons, when left entirely to the faint light of their

own reason to lead them through the vast wilderness of medical science?

We have had in physic many great *sects*, as they are called; differing from one another not in a few particular tenets, as the various sects of Christians do, but differing totally in their first and most general principles, just as the Heathen do from the Jews, or Mahometans from Christians. Long before the Christian era there had been innumerable disputes among physicians about each others absurdities: concerning which we have but very imperfect information; enough however to convince us that our great predecessors were neither wiser nor better than we are. Soon after the Christian era, a great system, that of *Galen*, was introduced into physic, which being more unintelligible, and where it was intelligible, more extravagantly absurd, than any which had gone before it, of course soon came to prevail universally. It had moreover the peculiar advantage of involving in itself innumerable, and useless, and endless controversies, logical as well as physical; so that those who studied and adopted it, had no occasion to go any farther for exercise, and recreation, and distinction. It is therefore not surprising that it should have lasted much longer than any other system in physic. It prevailed universally for several centuries before the extinction of letters; and as during the dark ages it prevailed in the Greek empire, and as it was adopted, though corrupted, by the Arabians, and made the foundation of their system, and as on the revival of Greek letters in the West the system of Galen was triumphantly revived in all its glory, and prevailed for almost two centuries more, it may be said to have flourished for 1500 years.

Even the revival of it produced a most violent warfare in our Faculty, and kept them embroiled for more than fifty years.

Long before the Galenists had completely beaten the Arabians out of the field, both parties were most violently assaulted and annoyed



annoyed by the Chemists, the great leader of whom (Paracelsus) actually committed to the flames, in public and with due formality, not the persons of any of his living adversaries, but the voluminous works of Galen and Avicenna; the former the great apostle of the Greek, as the latter was of the Arabian school. Before the Chemists had quite exterminated the Galenists, they were themselves attacked most furiously by the Mathematical Physicians, who indeed gave no quarter either to Galenists or Chemists. Then followed within these hundred years an endless host of Stahlans, Hoffmanians, Boerhaavians, Cullenians, &c. &c. down to Zoonomians, and modern Pneumatic Chemists; who I trust will keep us all alive and merry for a dozen years at least; and when they have served their time and their hour is come, *nam omnes una manet nox*, will give place to others, as good in every respect, and especially as fit to amuse the Whale.

In the midst of all these disputes and contradictory systems of Physicians, one very general and most inveterate schism has subsisted almost uniformly, both in ancient and modern times, for about 2000 years, and I have no doubt will last for 2000 more: for at this day and in this country it flourishes in as great vigour as it did in ancient Greece in the time of Serapion, the great author of it. I mean the distinction of Physicians into Dogmatists and Empirics: the former professing to understand the nature and causes of diseases, and the mode of operation of the remedies which they employ to cure them; the latter pretending to no such knowledge, professing to despise such speculations, and to trust to experience alone. Of this controversy, and of the rancour with which it has been carried on, it is a sufficient account and specimen here just to observe, that the names of the contending sects, which were originally honourable terms of distinction, have long since, in consequence of their mutual revilings, become common terms of reproach and contempt. *Dogmatist* originally and literal-

ly meant exactly what we should now call a man of science; but has long been understood to mean an arrogant, positive, uncandid man, who despises experience, and teaches or speaks in a style of absolute authority, and is obstinately attached to opinions unsupported by experience, and often repugnant to it. *Empiric* means literally one who regards experience; but has long been understood to mean an ignorant impudent pretender to physic; it is just synonymous with Quack or Mountebank.

The disputes among the Empirics themselves, at least among the most modern of them, for I do not know how the ancient Empirics managed that matter, have been as obstinate as any among the Dogmatists; but less entertaining, and more disgraceful to our profession. Reasoning with them being out of the question, their disputes are about what they are pleased to call observations, experiments, and facts. Concerning these their testimonies are totally irreconcilable, and, being translated into plain English, amount exactly to giving one another the lie every moment. It is a melancholy truth, that many of our pretended medical facts are less to be trusted, and often much more dangerous, than our medical theories.

And, "Who," it will naturally be asked, "is this Dr. Whose?" who sets all his professional brethren at defiance, and treats their opinions, and controversies, and observations, with such contemptuous freedom? Is he an Empiric or a Dogmatist? What are his Dogmas?" The questions are very pertinent, and may easily be answered, thus.

He neither is, nor ever was, nor ever will be, either an Empiric or a Dogmatist. He would have been a keen Dogmatist, but that he found at least ninety-nine in the hundred of medical Dogmas were false, and many of them stark nonsense. He would have been a determined Empiric, but that he found at least ninety-nine in the hundred of Empirical facts were as false, and more than



that proportion of their remedies as insignificant, and as dangerous, as any of the Dogmas of their opponents. Of course he now lives a sad outcast from both parties, just like a man excommunicated as an Atheist by a congregation of Fanatics, and expelled as a Fanatic by a Royal Academy of Atheists. He is made of the same stuff, and put together in the same manner as other men, and of course in all probability is neither wiser nor better than they are. Far from being more placid and tractable, he is more irascible and obstinate than most men; and if he had ever engaged in medical disputes, would probably have been as violent, as absurd, as implacable, and as ridiculous, as any of his predecessors or contemporaries. He has such a genius for quarrelling with his professional brethren, that, without even the pretence of any difference in medical opinions, and purely on account of certain differences in morality, he has quarrelled with some of them irreconcilably, and refused ever again to consult with them; first telling them, in the plainest possible terms, the reasons of that unalterable resolution; just to prevent any misunderstanding, or the repetition of such scenes as we read of in *Gil Blas*. He knows accordingly that some of his professional brethren would be very glad to see him hanged; and he would not remain very long inconsolable, if the apotheosis of some of them were performed, or if they should perform it themselves, in that ignoble manner. He has taught the Theory and the Practice of Physic in the University of Edinburgh for four and twenty years, without once throwing out a Tub to amuse the Whale. He never thought he had ingenuity enough to make such a Tub, or dexterity enough to manage any of the numberless ready made Tubs which were floating around him. He observed, to his great comfort, that he had no occasion to take that trouble; as the Whale has always found some Tub to amuse itself withal, and has never yet shewn the smallest inclination either to swallow or to overset him and his little bark. As he never did, nor

ever intends to do it any harm, he is not in the least afraid of the  
 Whigs. He has not had wisdom enough to keep himself out of  
 all disputes and controversies, even in science; and in those where-  
 in he has engaged, he has been abundantly acrimonious; as his  
 opponents (probably) will be ready to certify upon oath: or if they  
 should not, it is of little consequence: the fact may be established  
 without their help, or in spite of them. But hitherto, notwith-  
 standing all temptations, and provocations, and plenty of bad ex-  
 amples, he has escaped the folly of any medical disputes or contro-  
 versies; not by any superiority of understanding, for he knows that  
 men much wiser and abler, and more learned than he is, have fal-  
 len into that folly; but by his strong sense of ridicule, which on  
 that point was to him irresistible. From his earliest youth he was  
 admitted behind the curtain, and let into the secret of the medical  
 drama. Having acquired a little notion of some other sciences,  
 and of science in general, before he engaged in the study of physic,  
 he was from the first both mortified and entertained with the con-  
 trast which he saw. He soon perceived, that, with respect to phy-  
 sic, each successive age had much more trouble to unlearn the bad,  
 than to learn the good, of those which went before it, and still  
 more to distinguish between the good and the bad which itself pro-  
 duced. After two and thirty of the best years of his life spent in  
 learning, in teaching, and in practising physic, he has found much  
 to confirm, and nothing to shake that unfavourable opinion of his  
 own profession, and of a vast majority of those who have taught  
 and practised it. Being a great philosopher, of the sect of Demo-  
 critus, he thinks it much wiser, as well as pleasanter, to laugh than  
 either to cry or be angry at such things: and as he would have  
 thought it in others, so in himself he would think it perfect  
 Quixotism, and truly a kind of Knight Errantry, to attempt to set  
 every body right; knowing well that not one in a thousand chooses  
 to be set right. He would as soon think of building a magnificent  
 dwelling-



dwelling-house on the Goodwin sands, as of building his fame on a work of medical reasoning or medical observation; even if literary fame were, what it is not, the chief object of his ambition. He never could propose to himself either honour or advantage in telling fifty of his contemporaries and 300 of his predecessors, though in the civillest manner and only by implication, that they were knaves and fools, liars and quacks, or in being told the same in equally civil, or perhaps in plain terms by many of his contemporaries. He never had the vanity to suppose that his talents were greater, or that his efforts would be more successful in medical science than those of many hundreds of his contemporaries, and many thousands of his predecessors, or to think that any addition which he might make to it could bear a sensible proportion to the whole stock even of real medical science. He has studied medical systems, and reasonings, and observations, till he was sick, and tried many dozens of boasted but very useless remedies, till he was ashamed of what he was doing. But far from exclaiming, "All is vanity," and giving up the point in despair, his chief object, both in the teaching and in the practice of physic, has been to separate the little that he found true and useful, from the vast mass that he found erroneous and useless, or worse. He knows many of the peculiar difficulties which have hitherto retarded the progress of medicine, and many of the causes which have produced the worst corruption of it. He is convinced that none of these are hopeless, and is confident that the science of medicine will yet make great and happy progress. The great Volume of Nature lies open to Physicians of every sect, and every opinion; but they must learn to read it fairly, like men of science, who seek for truth alone; not perversely, like disputants contending for victory; or, as some wrong-headed sectaries seem too often to have read the Bible, each most absurdly assuming the dangerous and wicked principle, that

He

*Hic liber est in quo quærit sua dogmata quisque ;*

*Atque in quo reperit dogmata quisque sua.*

Those violent disputes and quarrels among Physicians about their Dogmas, or Theories as they are commonly called, were not so remote from practice, and from the business of consultations, as may at first be thought by those who are little acquainted with the subject. Many of their theories, though not all of them, had an immediate and powerful influence on their practice. If Physicians of different sects had been required to consult with one another, it is scarce possible that they should ever have agreed in their conclusions, differing as they did totally and irreconcilably in their first principles.

But the disputes among Physicians fundamentally of the same great sect, and differing only as to some minute particulars, almost unintelligible and imperceptible to other men, have been still more violent and rancorous. The same thing, as every body knows, has happened to many fanatical sectaries, who professed and called themselves Christians, and yet persecuted one another most inveterately about disputes of no moment as to their welfare either here or hereafter. Thus, for example, the *Homoeosions* and the *Homoeosions* of the Greek church persecuted one another with the most unrelenting hatred, far worse than ever submitted between Mahometans and Christians, though they differed only by one letter, and that one the smallest letter of the Greek alphabet; so very small, that the name of it has, even in our language, become proverbial, to denote the smallest possible or conceivable object of the human understanding; yet so inveterate were they, that the party (I have forgotten which of the two it was) that had got the better of the other, not by argument, for that was impossible, but by the help of the strong secular arm, had the malice to contrive

and



and actually to employ a machine to force open the mouths of the refractory heretics whom they had to deal with, and to cram the Eucharist down their throats. I fear we need not range to such distant countries and remote ages, to find more than sufficient examples of violence and inveteracy in disputes of no consequence in religion; and I am sure we can match the worst of them in physic.

But, in truth, Physicians (and though I cannot state so well the minute particulars, I am sure in general that I may safely add Surgeons too) have differed as much, and have been as violent and inveterate in their disputes about points of Practice as about points of Theory. I do not know of any one disease, or any one mode of practice in any disease, or any one remedy to be employed occasionally in different diseases, certainly none of any consequence, that has not been the subject of obstinate controversies.

Bleeding, Blistering, Vomits, Purges, Antimony, Mercury, Opium, Peruvian Bark, all have shared the same fate.

We have used the Bark (as a cure for agues) for near 150 years, and have found it a powerful remedy; yet for more than 100 years it was constantly a subject of dispute. The greatest Physicians (both practical and dogmatic) of modern times, Hoffman, Stahl, and Boerhaave, all disliked and dreaded it, though for different reasons; and they, and many medical authors of inferior note, have confidently mentioned, as the bad effects of the bark when employed to cure agues, those very symptoms or diseases which they must have known to have been common before the bark was introduced into Europe, and which they must often have seen in patients, in whom the ague had continued long for want of the bark to stop it. In some parts of Europe those disputes about the bark are not yet settled. Such disputes, with great submission, I think come as near as any one can reasonably wish, to the great controversy about transubstantiation.

We have used Mercury near 300 years as a cure for the fashionable distemper; and, though strictly speaking, not *universally* with success, yet with success infinitely more general and more complete than we have experienced from any other remedy in any other disease. But it has, during all that time, been the subject of incessant and keen disputes; and at this hour the disputes about it are more violent than ever they were. It is disputed even whether mercury (strictly speaking) ever did any good in the pox; whether it be quite inert, or whether it has generally done harm; and it is maintained that it is not the mercury itself, but something united with it, a kind of air, (oxygen), which has done so much good, and which may be found in much larger proportion, as well as in much greater quantity, in the purest air that we breathe, in pure spring water, and in aquafortis; which may be found also in white arsenic, and in fifty other substances; but is more easily separated from the mercury (when duly prepared for use) than from almost any other substance yet known. But, to lose no time, some hundreds of patients have been tried with aquafortis, properly diluted with water, and drunk like lemonade. The result of these trials is, of course, a mass of irreconcilable contradictions.

About 230 years ago, an eminent French Physician, Botallus, who was Physician to Henry III. of France, wrote a famous book on Bloodletting; in which he maintained, that it was the Best of all remedies, and proper in every disease, even in a dropy. Soon after his death, a great deal of this bloody practice was generally adopted in several countries, but especially in France, where much of it keeps its ground even to this day. Not all the ridicule of Gil Blas has been able to get the better of it. Though the name of Sangrado is Spanish, (denoting a bleeding,) and though the scene of the adventures is laid in Spain, it is well known that the allusion was to the practice of physic in France.



In about fifty years after the time of Botallus, another famous physician and medical author, Van Helmont, a Fleming, maintained with still more violence, (for he was one of our most spirited and eloquent disputants), that bleeding in any case whatever was downright murder, (or worse, executioner's work, *carnificina*, which in our language we have no one word to express). Van Helmont died like a hero, of the consequences of a pleurisy, in which he would not allow himself to be bled. Part of one of his letters written when he knew he was within four and twenty hours of his death, and mentioning that such was his situation, is still extant.

These extravagancies seem to have got the better of the patience of Boerhaave himself, whose candour and good nature are unrivalled in physic. He mentions the controversy, and the opposite doctrines of the two great leaders in it; but without deigning to refute them, or attempting to reconcile them, or to argue with them, very properly dismisses them both with a smart kick on the breech, conveyed in two Latin words: *Uter insanior?* Which is the madder?

Violent and plainly irreconcilable as that dispute was about bleeding in every disease, or in no disease, it was all calm philosophy, and Christian charity, and true brotherly love, when compared to another dispute about bleeding, which began thirty or forty years sooner, (or rather was revived, for it had been agitated, though with less violence, in ancient times), and continued much longer; indeed it is not quite settled yet.

I allude to the noble dispute, unquestionably the best specimen which the history of medicine affords of the importance of our controversies, and of the manner in which they are conducted, about the proper mode of bleeding in a pleurisy, (stitch in the side); whether from the arm of the side affected, or from the opposite arm.

It was another pragmatical Frenchman, one Briffot, who set our Faculty together by the ears on this knotty point; which I ought to mention is exactly of the same nature and the same importance with that puzzle which every body knows embroiled the whole empire of Lilliput in a calamitous civil war: the question about breaking an egg at the big or the small end.

The Arabian Physicians, either not understanding Galen, or taking most heretically the authority of Aretæus in opposition to his, had introduced the barbarous practice of bleeding from the opposite arm, for the sake of revulsion, as it was called. This heresy had been established as the orthodox system of all regular Physicians for near 700 years. Briffot having learned Greek enough to construe Galen, soon discovered that they were all in the wrong; and with laudable zeal made such haste to promulgate the great discovery, that in a few years he had set the Faculty in a flame all over Europe. In Spain and Portugal, the medical reformers had like to have been literally in the flames: for the old orthodox Physicians, all of whom had been bred in the Arabian school, enraged at such a monstrous innovation as that of bleeding from the arm of the side affected, endeavoured to get them punished judicially as heretics: declaring that they were the Lutherans of Physic, and that their doctrines were as dangerous as those of Luther. Briffot died at Lisbon, (whither he had gone in the prosecution of some botanical researches), time enough to escape the animadversion of the inquisition: but not till after he had promulgated his doctrine, and got some disciples, fully as zealous as he was himself. The dispute grew warm: it was referred to the University of Evora, the Doctors of which could not agree about it. It was referred to the University of Salamanca, and the University of Salamanca seems almost to have lost its wits on this momentous occasion. By means of some chicane, as it is said, that learned body was at first, that is, after many delays and long and



violent disputes, prevailed on to give a wrong decision, in favour of the Arabian system: but on considering it again more fully, gave it at last in favour of Galen and Brissot. But the inveterate Arabian Doctors would not acquiesce. They appealed to the Emperor Charles the Fifth, their Sovereign, representing to him the importance of the question, the danger to his subjects from the Brissotian heresy, and the necessity of crushing and exterminating those Medical Lutherans, in order to preserve the ancient established faith in all its purity. It is said that Charles the Fifth was on the point of yielding to their importunities and clamours; when luckily his good Cousin and brother Sovereign Charles the Third, Duke of Savoy, fell sick of a pleurisy, and died of it, though he was bled by his Physicians from the arm of the opposite side, according to the old orthodox system. This fortunate accident, which was a noble subject of triumph to the Brissotian Heretics, saved that wise Monarch the Emperor from the disgrace of interfering in a medical dispute, and left the Physicians at full liberty to worry one another about it till they were tired, which they were not for more than two hundred years. The number of Physicians in that time who have either expressly or incidentally given their opinions on the controversy, must have been nearly as great as that of the Physicians who broke their eggs either at the big or the small end. We have a catalogue by Moreau, and a short account of the doctrine of the chief authors, in chronological order, who had expressly written on the controversy, as it stood in 1630; that is, in little more than one hundred years after Brissot began the dispute. At that time the number amounted to more than an hundred, including one solitary German Theologian, (Hieronymus Tragus), who, not finding, I presume, controversies enough in his own province, most gallantly carried arms as a volunteer in ours, where he was sure to see plenty of service.

Long

Long before Physicians had done with that controversy about bleeding, they were embroiled in a thousand others, less general indeed, but not less inveterate. One instance more I shall give of them, not only on account of the spirit with which it was carried on, but also because it occurred among the Fellows of the Royal College of Physicians in London, who have at all times been distinguished for their learning, their talents, and their liberal manners; and who, very justly, regard themselves, and are regarded by others, as Beings of a higher nature than the Physicians of any other country on the face of the earth. I allude to the violent dispute about purging in the secondary fever of the small pox.

The good old orthodox practice in that dreadful disease was to keep the patient as hot as was consistent with life; sometimes much hotter. On the same absurd but well-established principle, purging of any kind, even the gentlest, was reprobated as absolutely pernicious. Sydenham, who had the merit of introducing, at least of proposing, a cooler regimen in the small pox, seems to have been afraid of doing much in opposition to that system; and only hints that a cooling purge (and a very gentle one compared to the drenches that he used to prescribe in other diseases) should be given on the 13th day, but not sooner. Such a heresy could not be endured; especially from such a man as Sydenham, whom many of his more learned and thorough bred cotemporaries seem to have held very cheap, and regarded as only a better sort of Quack. Morton declared roundly that he never knew a patient in the small pox suffer though he had no stool for twenty days. Gradually the dispute grew warm. Friend, the greatest of the purging Doctors, recommended the practice strongly, as in many cases the patient's best or only chance for life; and, as if determined to outdo Morton, published a case (communicated by his friend Dr Harrison) of a patient very ill of the confluent small pox, who, though he had a pretty smart natural purging, got two



on three such drenches, to boot, that he had near an hundred stools in five days; and with the most salutary effect. Such Physicians were not likely ever to agree in consultation, or on any occasion; and very likely to quarrel, and come to blows, for want of better arguments. There is a tradition, which I heard three and thirty years ago, from a cotemporary of the parties, that one of the purging Doctors and one of the anti-purgers meeting at the entry to the hall of the College of Physicians, soon came to hard words, and from hard words to hard blows; the result of which was, that the purging Doctor knocked the other down, and drawing his sword, bid him beg his life. "No, Doctor," replied the fallen hero, as he lay sprawling, with the point of his enraged adversary's sword at his throat, "that I will not do, unless you were giving me physic."

This anti-purger was certainly a man of wit, and of spirit, and true English blood, with a good cross of the bull-dog and the game-cock in his pedigree. He would have seen a thousand patients die, and would have died himself a thousand times, if this had been possible, rather than he would have given or taken one purge in the secondary fever of the small pox.

Nor do Physicians degenerate in this respect, or lose one spark of their fire, in the softer climate of America. *Cælum non animi mutant qui trans mare currunt.* Three thousand miles of salt water make no difference on them; and if the Doctors could live, I am convinced their hatred would burn, three thousand fathoms under water, more certainly than port-fire. If any person is curious or distrustful on this point, he may soon be satisfied by reading only ten or a dozen of their publications on the yellow fever, (since 1792), which, in point of violence, and contradiction, and rancour, may vie with any medical books that Europe has produced.

The

The same noble and unconquered spirit pervades and animates every branch of physical science.

Some forty or fifty years ago, Dr Battie, a Physician accustomed to the care of mad patients, published a book upon madness. Scarcely was it published, when Dr. Monro (John Monro senior, of Bedlam Hospital), who seems to have been much his superior in wit and talents, fell upon him, and gave him such an unmerciful drubbing, as no mad doctor or mad patient ever gave or ever got before. By the happiest application that ever was or ever will be made of a line of Horace, (*O major, tandem parcas insane minori*), which he put on the title-page of his book, he contrived to represent Battie as madder than his own patients, and his (Monro's) flogging as only an admonition to him to have mercy on those who were less mad than himself. Such a pamphlet was enough to have made a whole College of Physicians mad.

In justice to the Men-midwives, and not from any favour, for I really do not like them, I must mention, that they too,

"Plac'd on that Isthmus of a middle state,

"And tho' but darkly wise, not rudely great,"

have yet shewn a becoming spirit in this respect, and have engaged in keen disputes. Of these I can give no proper account, not being in the secret of their science. But I am credibly informed that very lately they were, and perhaps still are, disputing bitterly about the best way of scooping out the brains of a child, just to facilitate his entry into the world: and every body knows that they have never yet been able to settle the proper etiquette of ushering into the world ordinary people, such as are intended to live in it, who generally have no brains to spare. It is very lucky for us all that we were not obliged to wait till that point of ceremonial was settled. To have been stopped by it, just at the threshold,



threshold, would have been truly embarrassing; if such a demur had lasted but for half a century, it would have made sad confusion in the world, and probably would have made the Great Nation a very little one. I heartily wish, if the thing be possible, that the Men-midwives would have done with their disputes: they are evidently much more pernicious to the state than those of Physicians and Surgeons. It is of little consequence though we should never agree: there are a thousand ways of going out of the world.

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*Facilis descensus Averni,  
Noctes atque dies patet atri janua Ditis.*

There is but one way of coming into the world: and if the Men-midwives persist in telling us every moment, that there are a thousand lions in that way, and insist upon guarding us all through it armed cap a pie, we shall be frightened to obey the first commandment; the only commandment which many of us seem inclined to obey.

The Knights of the illustrious order of the Scalpel, like the Knights Hospitallers of Jerusalem, have always been foremost in these Holy wars, and have been honourably distinguished by the brightness and sharpness of their arms, and by the quickness, the cleanness, and the depth of their cuts. Not being so well acquainted with the history of their achievements as with those of my own order, I must refer to their authentic records. In my time their warfare has never ceased. Just at the time when I engaged in the study of Physic, two gallant Knights of their order fairly entered the lists, and engaged in a desperate single combat, giving and receiving such dreadful cuts and flashes, that even the judges of the combat, I mean the Reviewers, whose duty it certainly was to halloo them on, stood aghast, and were afraid even to offer any opinion on the merits of the champions, sagaciously observing, that "It would be very imprudent for any poor devil of a Re-

" viewer,

"viewer, who wished to sleep in a whole skin, to interpose between two contending keen Anatomists."

In London, the great School of Surgery, the disputes among Surgeons and Anatomists have been carried on with peculiar spirit, and they have been numberless. I never knew the thousandth part of them; but have had much amusement from the little I chanced to hear of them. I remember a violent and obstinate dispute about whether a broken leg or thigh should be set and laid with the knee straight or bent, which is a point of real importance, and one about which there should have been no dispute, as it might have been settled at once either demonstrably or by experiment. More lately, I believe within these ten years, they were in a blaze about the proper surgical treatment of a certain watery swelling called the hydrocele; whether by a good clean cut of a sharp knife, or by a small puncture to let out the water, and then injecting into the sac a bumper of Port wine.

In the course of their disputes many hard words have passed among them. Of these I had a noble specimen from one of the most eminent of them about a dozen years ago, when I chanced to be in London. When I called on him one morning, he regaled me all the time I was eating my breakfast, with a Philippic on his own professional brethren, in which, to my infinite amusement, he exhausted every opprobrious term in the English language, that could be applied to men of the medical or indeed of any profession.

If they are not wickedly belied, some things harder than the hardest words have now and then passed among them. I have heard, that, at one of their meetings, a convivial one, at which I should, *a priori*, have thought it possible for them to have agreed in eating and drinking for an hour or two, a gentleman whom I know well, and respect highly on account of his strict probity and veracity as well as his talents and learning, mentioned what he had



had frequently observed in the brains of mad people whom he had dissected. "That's a damned lie," said another of the party. "Your head is too hot and must be cooled," replied the gentleman who received that unworthy provocation; and taking up a bottle of cold water, poured it on the other's head; disdaining to avail himself of his superior strength against an old and feeble adversary, whom he could have crushed as a man would crush a beetle.

It is well known that the celebrated John Hunter, who was himself abundantly keen in professional disputes, died suddenly in St George's Hospital, in consequence of the irritation he met with in a debate with some of his brethren. That debate, I have been assured, was conducted in such a style of asperity, that a Physician who was present at the beginning of it, and who had seen enough of such debates before, thought fit very soon to withdraw.

It was currently said, though undoubtedly as a joke, that the violent irritation which caused Mr Hunter's death, was given him purposely in order to kill him. It was well known among his professional brethren, that he had a disease in his breast which was very likely to be fatal to him on such an occasion. But even the currency of that scurvy joke implied a great deal with respect to the known inveteracy of those professional disputants.

Scarce was Mr Hunter in his grave, when another of his brethren who had been keenly engaged in disputes with him, began to write his life, which he soon published. The thought was great and original, and showed superior genius in the author of it. He understood and felt that an Anatomist is only just beginning to his man when any other body would think he had done with him: that is, when he is dead.

Every body knows that the Grave affords no more protection to a man against an adventurous Knight of the Scalpel, than a shell does to an oyster.

Now well and respect his no account of his to honour and keeping what he

*Perrupit*

*Perrupit Achemenes Herculeus laboris  
Nil mortalibus audium est.*

But when the spirit of such men is exasperated by professional quarrels, I doubt whether Heaven or Hell will preserve their adversaries from their rage.

*Audax omnia perpati,*

*Genus humana ruit per vestigia nefas.*

*Caelum ipsum petimus stultitia.*

"He is such a scoundrel, that if I should meet him in Heaven, I would not speak to him," said one of them of his adversary, with whom he had been long engaged in professional disputes. That adversary was his own brother; and he was dead.

How such men may acquit themselves, in consultation, in another world, after a thorough refinement and oxydation in the great reverberatory furnace, the wisest of us cannot presume to guess: it must be determined by experiment; the result of which none of us probably are very curious to know. But in this world I am sure I would not trust one paw of my great Newfoundland dog to a consultation of thirty or of three hundred of them.

As little would I trust my dog to a consultation of all the Surgeons and Apothecaries of a certain country town in England, which must be nameless, but which most of us who have ever been in London have passed through. By an accidental but decisive experiment, it was ascertained that the repulsive forces, or divellent attractions, or explosive qualities among them were so strong, that no room in the town could hold more than one of them at once. A well-meaning London druggist, being in that town in the course of his summer-ride, to ask the commands and take the money of his very good friends and customers,



in pure simplicity of heart invited them (separately) to sup with him at a tavern the same night. All promised; all came; but one by one. When the second came in, the first, without saying a word, took up his hat and went away; enter N<sup>o</sup> 3.; exit N<sup>o</sup> 2.; and so on to the very last of eight or ten of them. Of course, N<sup>o</sup> 10. and the London druggist had supper enough. Next morning the druggist, meeting one of the deserters, expressed his concern at having lost the pleasure of his company the evening before. "What the devil, Sir, do you think I would sit in company with such a scoundrel as ———;" and he got the same answer in substance from every one of them.

Now for the Royal College of Surgeons in Edinburgh; though last not least in the history of this everlasting medical warfare.

*Bella per Emathios plus quam civilia campos*

*Jusque datum sceleri canimus, populumque potentem*

*In sua victrici conversum viscera dextra :*

*Cognatasque acies : et rupto fœdere regni*

*Certatum totis concussi viribus orbis*

*In commune nefas : infestisque obvia signis*

*Signa, pares aquilas, et pila minantia pilis.*

*Quis furor, O cives ? Quæ tanta licentia ferri ?*

*Bella geri placuit nullos habitura triumphos ?*

*Hæu quantum potuit terræ polagique parari*

*Hoc quem civiles hauserunt sanguine dextræ !*

*Immensumque aperitur opus, quid in arma furentem*

*Impulerit populum ; quid pacem excusserit orbi.*

But the genius of Lucan and of Homer united could not do justice to so vast a theme. I will not attempt it, for many good reasons. I am no judge of their disputes; I have no right

and no wish to interfere in them; no desire to be dissected alive, no ambition to adorn their Hall; though I am well convinced that in their skilful hands I should soon become a charming Skeleton. But there is no occasion to give myself any trouble, or expose my person to such fearful risks; for the work is already done by the hand of a master. *Spirat adhuc amor, vivuntque commissi calores*, and they will continue to breathe, and glow, and blaze, in flames unquenchable, as long as the English language shall endure. Since the time of Homer, who took the trouble to record the anger of a very angry man, who lived near two hundred years before him, no angry man has had such advantages in that respect as the present members of the Royal College of Surgeons in Edinburgh. Perhaps their predecessors, perhaps all Societies of Surgeons and Physicians, have been almost as angry as they have been:

*Vixere fortes ante Agamemnona*

*Multi: sed omnes illachrymabiles*

*Urgentur, ignatique longa*

*Noctē, carent quia vate sacro:*

But till this happy period none even of the angriest of our Faculty found an author worthy to record their wrath and hatred. Garth's Dispensary was a mere jest. But the Surgeons of Edinburgh (*O fortunatos nimium, sua si bona norint*) have found in JONATHAN DAWPLUCKER, Esq; all that they could wish; and a great deal more. If he goes on as he has begun, and as he has promised, in three years he will not have left one Feather in the whole Rookery. I shall endeavour to preserve my professional gravity when I see them in that piteous state of Deplumation, which it will be scarce possible to look on in the calm light of mild Philosophy: but I hope to bear their misfortune with the firmness of a Stoic; at least I shall not be angry, and I shall not interfere.



It is enough (for my purpose) that their anger is faithfully recorded in his immortal page: so faithfully that it is generally believed that both parties would be very glad to perform on him every operation of surgery, in every way that has yet been proposed, or that can be contrived.

Those sentiments which he has kindly made immortal, deserved no doubt, like the Wrath of Achilles and the Loves of the Plants, to be written *Mæonî carminis alite*. But Jonathan Dawplucker, Esq; being more studious of truth than of ornament, has very judiciously preferred humble prose; for which I honour him.

He is unquestionably a person (if not two persons) of excellent understanding, great learning, and most correct taste. Of all these qualifications he has given ample proof in a paragraph, or rather I believe a marginal note, in one of his books, relating to me, where in he bestows much praise (but no more than it deserved) on a certain Anatomical work of mine, published about seven years ago, in which I had dissected and anatomized in a new and grand style the soul of Judas Johnson, Esq; a vile miscreant, who had the unparalleled impudence to offer himself as a Guide to Students of Physic at this University.

I take Mr Dawplucker's compliments very kindly, and shall be glad to be better acquainted with him, whenever he finds it convenient to drop his mask. In the mean time, I shall be happy to see some more of his masquerade productions: and if these are accompanied (privately) with a key, or notes *æriorum* just to explain the allusions to men, manners, and things, with which some of us are but little acquainted, they will be the more acceptable.

Mr Dawplucker's mask is of so new and admirable a kind, and he makes such an exquisite use of it, that it is worth while to explain a little the nature of the contrivance, which with shame and sorrow I must confess I should never have discovered or suspected.

and

and which I was not informed of till within these five months, though I had seen the paragraph or note about myself fifteen months ago.

In his first publication, he plucked very smartly one eminent Member of the Royal College of Surgeons, who is considered as the great leader and the man of the greatest talents of one party. This of course gave great satisfaction to the other party.

In his second publication, to the utter astonishment and confusion of all concerned, he fell upon one of the most eminent Surgeons of the other side, and plucked him still more unmercifully. To make this Comedy of Errors more complete, and the perplexity quite inextricable, the person pitched upon to be plucked in the second publication was of the same name with him who was plucked in the first.

The necessary consequence of this was, that when any body sent for the work of Mr Dawplucker, or opened his book, expecting to see his adversaries very handsomely plucked, he had the agreeable surprise of finding his best friends, or perhaps himself, not only plucked barer than ever goose was plucked in this world, but well salted and peppered, and trussed and spitted, and roasted so admirably, that the mouth of Apicius himself would have watered at the description of such a curious dainty dish.—To prevent any mistakes, I beg it may be observed, that this is metaphorical; and not meant as an invitation to them literally to eat one another: for that is the very last thing that I should wish them to do. On the contrary, if I thought my advice could have any weight with them, I should take the liberty strongly to caution them all against even biting one another, on any account or pretence whatever, especially during their present state of exasperation and acrimony; for I have good reason to think, that even the Ormskirk Medicine and the salt water would not prevent the fatal effects of the bite; I mean its effects on the *biter* not on the *bitten*. Of this danger, which



which at present perhaps they little dream off they will soon be sensible, if they will consider with due attention the following aphorism of Hippocrates :

Καθηρότητι ποτ' ἰχίδια κακὴ δακν' ἀλλὰ καὶ αὐτὴ

Καθαρὴ γεσσαμένη αἵματος ἰσβολού.

Jonathan Dawplucker, Esq; is at once the JANUS and the JUNIUS of medical warfare : and never may his brazen gates be closed ; but his works, like the letters of Junius, are too good to be owned. The envy and malice which writings of such superior merit could not fail to bring upon their happy author, if he were precisely known, would be embarrassing to a man of his prudence : and the loud and perpetual applauses which they must have brought upon him whenever he appeared in public, would have been still more distressing to one of his exquisite modesty. " His modesty is a candle to his merit ; it shines itself, and shews " his merit also." But it is much to be lamented, that his real greatness should be lessened by any such paltry considerations. We all must acknowledge that the man in the mask was truly a great man, a very great man : but he who would have done it without a mask, would have been a much greater man. So thought the most honourable the Calves-head Club ; and in their grand climax of toasts on the 30th of January, first drank, as in duty bound, " The man in the mask ;" and next, with enthusiasm and rapture, " The man who would have done it without a mask."

The real name of the author of these immortal works which bear the honoured name of Jonathan Dawplucker is of no more consequence to the world than the real name of Peter Pindar : nor is it wanting to make his works perfectly authentic for my purpose, and complete evidence of what I wish to prove. I must, in the first place, premise, that for my own part, I neither believe nor

disbelieve

disbelieve one word contained in his writings, excepting only that passage which relates to myself: the reason of which will soon appear.

Supposing for the sake of argument, what I presume no body will believe, but what, for the credit of the Surgeons, the honour of their profession, and the good of mankind, I heartily wish were true, that every thing said by Jonathan Dawplucker of the Surgeons and their disputes were as false as Mahomet's Alcoran, his works would be but so much the stronger evidence of that implacable rancour and inveterate warfare to which I allude. Such is his superior genius, that his works, even though they were false from end to end, would contain complete and true evidence of all that any man in his senses could wish to know about the subject of them. In this respect I do not scruple to say, that they are of higher authority than the Elements of Euclid, or even the axioms of Geometry. These obtain belief only because they are found to be true: the controversial works of Jonathan Dawplucker, Esq; *must* be believed, whether they be true or false; and the more false they are supposed to be, the truer and stronger is their evidence.

There can be no doubt either about who are the persons plucked by him, or the new and masterly style in which he plucks them; and even the feathers which he has plucked from them so unmercifully may easily be recognised. Those persons are well known members of the College of Surgeons; those feathers are very proper emblems, or more than emblems, of the subjects of their disputes. If more minute information were required, which I am sure it ought not to be, we are directed by Mr Dawplucker to those who can give us the most particular and authentic. The important question is *not*, Who are right and who are wrong in such professional disputes? but, What is the nature of their disputes? and, With what inveterate rancour are they carried on?

None



None of them, I am sure, can think me so great a goose as even for a moment to suppose it possible that either party should be in the right in such disputes. If I were, Jonathan Dawplucker Esq; ought without delay to perform his office upon me; and he and his other patients would be well entitled to have me roasted for their next anniversary dinner.

The truth is, and I wish it to be generally known, that far from presuming to interfere in their disputes, I do not even know what they are about. Of the many bones of contention which have long kept them embroiled on a gridiron, I know *not one*, unless *perhaps* the dispute about the hydrocele (mentioned, p. 235.) be one of them, which I think I heard about five or six years ago that it was; but even that I believe was properly and originally a London dispute.

I never read one page of Jonathan Dawplucker's works except that passage which relates to myself, and even that was by a kind of accident. About fifteen months ago a very young member of the College of Surgeons, so young that I had never met with him in practice before, and so little acquainted with me as not to know my uniform conduct and unalterable resolution with respect to his professional brethren and their disputes, shewed me that passage in one of Mr Dawplucker's books. I read it in his presence very gravely, and returned him the book so dryly, that I suspect he was piqued at my behaviour. He certainly in shewing it to me had intended what he thought would be most civil and gratifying to me. He did not know, what any of his elder brethren could have told him, that I not only would not interfere in their disputes, which in truth I had no right to do, but did not choose even to be informed of them, and had often declined to receive information about them, when it was most eagerly offered me.

For that reason, and some others which it is needless to mention, I never would be a member of any of their clubs or societies;

(Esculapian,

(Esculapian, Harveian, Gymnastic, &c.) I doubt whether I know the names of them all. Though often strongly invited, more than twenty years ago, but seldom more lately, as my principle was well known to them, I never was present even as a visitor at any of their clubs. I never heard any of their Harveian orations; not even that one which was an Eulogium on my own Father. I never read any of their controversial writings. Of course I know little or nothing of the particulars of their disputes, or of who and who are together; probably much less than any man in Edinburgh of the medical profession.

I have known these four and twenty years that there have always been keen disputes among them; and that these disputes have of late become more and more inveterate. I have reason to believe that some of the most eminent of them are not at this hour, and have not been for some years, on consulting or speaking terms; and that others of them, who do occasionally meet and consult, are very apt to differ irreconcilably in opinion. I have heard that in the consulting room of this Infirmary there have often been keen debates, which ended just as in the Houses of Lords and Commons, not by either party convincing the other of its error, or giving up its own opinion, but by a *vote*; and sometimes a very small majority: perhaps of only one or two, when there was a very full house. I should not be surprised to hear of a question being carried only by the Speaker's casting vote; or of a surgeon being required to perform a dangerous operation against his own judgment. In such a case his situation would be truly deplorable; and that of his patient ten times worse.

That general knowledge, and accidental information of the professional disputes among the Surgeons, which I acquired whether I would or not, was much more than enough to determine me to take no concern in them: so that all the well-merited praises that Mr Dawplucker bestowed on me and my precious Anatomical



work gave me no desire to read any more of his writings. I had heard nothing of them before, or so little as not to attract my attention or be remembered. It was impossible for me to guess at the nature, the peculiar wit, and unparalleled acrimony, of Jonathan Dawplucker, Esq; and his publications. The gentleman who shewed me the passage relating to myself, finding me so dry on the subject, did not take the trouble to explain the joke to me: for which I cannot blame him. I heard very little, and thought less, or nothing, of Mr Dawplucker, till a few months ago, after I had begun to write this Memorial, when one of my own professional brethren (of the College of Physicians) who knew what I was engaged in, and wished well to the good work, mentioned to me Jonathan Dawplucker, Esq; and finding me totally ignorant of his peculiar merits, explained to me the nature of his Janus-like mask, and gave me such an account of his wit and inveteracy, as not only afforded me much amusement, but gave me the strongest desire to read his works. My friend promised to send them to me for my perusal, and actually sent them to my house a few weeks after. Had they come in a day or two I should certainly have read them: but before they came I had time to recollect myself, and take a more prudent resolution:—not to read one word of them till all this Memorial should be printed off.

For this piece of self-denial, which I reckon both wisdom and virtue, I take much credit to myself, and I hope the hostile legions will give me much more, when they know the reason of it. I doubted whether I had wisdom or virtue enough to resist the temptation of catching hints from Mr Dawplucker, or making some allusions to what I might find in his glowing page. Any such use of his works made by me, might very probably have been unjust, and certainly would have appeared personally malevolent, to some individuals, whom I should be very sorry to injure or offend. It would have had the appearance of taking a

part in their disputes; which would have been not only foolish, but illiberal, and disgraceful to myself. It would have tended strongly to frustrate the honest benevolent purpose of this Memorial.

I solemnly declare that I have not read one word of his books, (except the passage about myself, as formerly mentioned): I do not know one article of the subjects of contention in them: I do not know even the title of his books. It is therefore impossible for me to make a bad, and very easy to make a good use of his writings; as I have here endeavoured to do, considering them as a fair instance of diamond cut diamond, mask *versus* mask, fight dog fight bear, &c. But I also declare, that before this Memorial makes its appearance, I shall have read, and studied critically, Mr Daw-plucker's works, and shall be better acquainted with them than I am with the adventures of Don Quixote. For this purpose I have desired my Bookfeller to send me a complete set of them: and I hope soon to be able at a moment's warning to point out a dozen or two of the most exquisite passages in his writings, for the gratification of the curious and distrustful. In the mean time, I have given this general account of the nature, the peculiar wit, and the inveterate acrimony of his books, on the authority of several different persons who have read them, and on whose accuracy, and veracity, and good sense, and good taste, I can rely.

Not having in me the perfect spirit of prophecy, but only that imperfect gloomy kind of it which is common in this country, and well known by the name of the second sight, I cannot foresee distinctly what my reward will be for all my wisdom, and virtue, and self-denial, and delicacy towards the angry Knights of the Scalpel; and for all the pains that I have taken to shew, that, though they are no better, they are no worse than others of the medical profession; but I can foretel that my fate will be something much more horrible than the death of Oedipus. Both parties will for once agree in a grand consultation, and will devote me,



soul and body, to the Infernal Gods; I mean the doubly Infernal Gods, whose names were never heard on earth, and seldom in hell; to whom Pluto and the Furies are *Superi*. Perhaps the formidable Janus-headed Jonathan Dawplucker, Esq; notwithstanding his former kindness to me, and all the civil and kind things which I have said of him and his books, will officiate as High Priest, and from his two mouths will thunder forth the direful sentence, and with his own four hands begin the sacrifice, by plucking me as bare as a fish. This I shall consider as a very great honour, and a particular favour: for it will complete the evidence of all that I wish to establish, and give to the Managers of this Infirmary and to the public a just notion of the inveterate rancour of medical hatred.

It happens that I am personally acquainted with both the gentlemen whom Jonathan Dawplucker, Esq; has plucked so cruelly. I know that both of them are men of talents; both of them, for aught that I know to the contrary, may be very good Surgeons; but, in the present state of chirurgical warfare in this city, a consultation of them both (supposing that one consulting room could hold them both, which is more than I know) would be too bad for the Devil, if he had got a stone in his bladder, and much too bad for any poor patient in this Hospital; and a consultation of twenty such men would be ten times worse.

A very obvious illustration may sufficiently explain to those who are least acquainted with our medical controversies, the cruel impropriety, for it is much worse than a ridiculous absurdity, to which I allude.

It is certainly proper that every person should at all times take care of the welfare of his soul, but most chiefly when either by the judgment of our Faculty, or by the sentence of the law, he must be regarded as a dying man. For that purpose it is fit that he should be assisted by some pious, discreet, and learned minister.

A person of a right way of thinking may reasonably wish to have the assistance of two or three such ministers ; but, I should think, hardly of more. It would, in my opinion, be irrational, as well as needless, to assemble all the Ministers even of the established Church in this City, to give their counsel and professional assistance on such an occasion ; though there certainly could be no violent disputes among them, and probably not the smallest difference of opinion. But if any person were to send to one, in the calamitous circumstances which I have specified, all the ministers and preachers of every sect that he could collect, of the Established Church, of the Church of England, Papists, Quakers, Anabaptists, Methodists, Burghers, Antiburghers, and the endless host of Sectaries whose peculiar tenets no man of sense knows, or will ever enquire into ; especially if he sent to the dying man those of all sects who were the most violent in controversy, and most implacable in their mutual hatred, it would certainly be regarded both as an impious and as a very cruel joke : impious, considering the subject of it ; cruel, considering the unhappy state of the person on whom it was perpetrated. Surely no man could be thought so mad as to do such a thing seriously, or with any benevolent purpose.

If such a thing were done, for whatever purpose ; or if it were the established law and practice of this City, just like the promiscuous attendance and consultations of all the Surgeons of Edinburgh in this Hospital, it could do no good. It may easily be foreseen, that if so absurd a system were established, many of the most respectable clergymen of every persuasion would soon withdraw from such a painful and unavailing duty ; while many of the most violent disputants would be left to contend about the soul of the dying man.

Nor must it be thought that this account of the violence of medical and chirurgical disputes is exaggerated. The Managers, if they will take the trouble to enquire, will soon be convinced that

some



some of the Surgeons of Edinburgh, if in consequence of disease or accident they needed chirurgical assistance, and the performing of a capital operation, would think their lives exposed to tenfold danger, if they were obliged to receive that assistance from some of their own professional brethren; and would be more terrified to become their patients, than the Moderator of the General Assembly of the Church of Scotland would be, if he were taken to St Peter's Church on Easter day, and were obliged to kneel at the elevation of the Host when the Pope was saying High Mass; or than an old Quaker would be if he found himself in the hands of six Anabaptist preachers, and actually up to his chin in cold running water.

Without the help of so many illustrations, and all this long and minute detail of our everlasting medical warfare, any person of common sense might soon and easily have come to that general conclusion which I wish to enforce with respect to all our consultations; by considering the subject in this obvious point of view. If five and twenty Physicians or Surgeons be not too many for the purpose of a consultation, would fifty be too many? or an hundred? or five hundred? It will surely be admitted that this number could not be a right consultation; nor yet a good battalion, unless it were well drilled, and under strict discipline; and that it would be a kind of popular assembly; probably a very tumultuous one; perhaps a mob, such as would soon require the interposition of the Civil Magistrate and the Peace-Officers, possibly the reading of the riot-act, and the aid of military force to quell it. These things being obvious and undeniable, nothing more can be needed to establish the proper general principle, but just to trace back the series in the opposite order, and observe at what number we ought to stop. This must surely be at that number of us in consultation, which men of the best sense and in the most affluent circumstances, who have

it in their power, and can well afford to get whatever is best for themselves and their families, universally think sufficient and best.

But it was of consequence to show that an unnecessary number is not only superfluous, but really pernicious; and I trust I have shown that the evils of it depend not entirely or chiefly either on the number of the consultation, or on the personal characters and talents of the individuals who compose it. The evils to which I allude, like the wars among independent states, the factions in all free governments, the intrigues in every court, the quarrels in families and among individuals, and even the disputes in some branches of science, depend partly, and perhaps chiefly, on some of the most general and active principles of human nature; and accordingly have been found to a greater or less degree, and are to be feared, in all ages and countries. But it is equally plain that they do not depend entirely on those most general principles, but partly on other principles less general in their influence, and prevailing more in some sciences and in some professions than in others; for those evils, professional disputes, inveterate animosity, and open warfare, are common in some sciences and professions, and almost unknown in others. They are almost unknown among Mathematicians, but very common among Physicians, Metaphysicians, and Politicians. I am sorry to say they have been too common among Theologians; but I must do Lawyers the justice to own that they are very rare among them. Though disputing is their trade, of which few of them have enough, and most of them little or none, I have observed that they dispute always at the expence of their clients; and even when they dispute the most violently, they continue in good humour, and sometimes in the most intimate friendship with one another, and generally unite most cordially in laughing at those who employ them. This is so well understood, that if our lawyers were to engage in such bitter professional disputes as we  
are



are always embroiled in, it would be thought as portentous a prodigy as if a pack of fox-hounds, or of less rational fox-hunters, were suddenly to quit their proper game, and begin to hunt their own species. The lawyers are much wiser and better than we are.

Our professional disputes in every branch of physic have been so frequent, so violent, so notorious, that I could easily have established the important general principle which ought to regulate the conduct of the Managers, without alluding even in the most distant manner to any of the recent or present disputes which have occurred among the Surgeons of Edinburgh; and though it is of some consequence on this occasion to show that they are no exception to the general rule, I should have avoided mentioning their disputes, or alluding to them, for fear of incurring the disgraceful suspicion of taking a part in them; but for the lucky concurrence of two favourable circumstances, first, There being such an admirable author, of unquestioned impartiality and profound knowledge of the subject, as Jonathan Dawplucker, Esq; who can bear witness on both sides; secondly, My literally not knowing what their disputes are about, nor even the account which he gives of them.

The appearance of an author of such distinguished talents and merit in medical controversy is accidental and rare, like that of Hannibal in war, or Junius in politics, or Buonaparte in both. According to the personal character and talents of a few individuals who take a lead in medical disputes, just as happens in politics and in war, the contention will be more or less violent and entertaining, and more or less ably conducted. But contentions, and bitter contentions, there *always must be*, wherever there is a great number of Physicians and Surgeons, and especially wherever these are brought together in the practice of their profession. A numerous consultation of them *must always be a nuisance*. If all the present Members of the College of Surgeons, and Jo-

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nathan Dawplucker, Esq; along with them, as an agreeable companion, just to keep them alive and merry, were in one night transported to the planet Saturn, and if their places were instantly filled by an equal number of Surgeons, whose names we never heard of, and who had never seen one another before, there can be no doubt that in a very few years, probably in a few months, these new comers would be embroiled in disputes as keen and as inveterate, though probably not so witty and entertaining, as those which live for ever, in the works of Jonathan Dawplucker, Esq;

*Fortes creantur fortibus et bonis :*

*Est in juvenis, est in equis patrum*

*Virtus, nec imbellem feroces*

*Progenerant aquilæ columbam*

While such is the virtue of the race, it must be the duty of the Managers of this Infirmary to guard the sick poor in it from the dangers of their promiscuous attendance and their multitudinous consultations.

There have been many unforeseen delays in the writing and in the printing of this Memorial, which I began to write about Christmas last, and which has actually been in the press since the beginning of April. The acquisition of the Memorial concerning the Surgeons Hospital in 1737, which was too precious an article to be dismissed without full discussion, and which I did not receive till this Memorial was in the press; and the consideration of the proper plan for the attendance of the Surgeons, which was no part of my original design, and of which no part was written till after all the preceding part of this Memorial was printed off, together with



the numberless entanglements of my own profession, will, I trust, sufficiently account for and excuse that delay, which the Managers may be assured was altogether involuntary on my part, and proceeded from no diminution of my zeal for the service of the Hospital. The same considerations will, I hope, account for and excuse some inaccuracies as to dates and times which will be met with in this paper. As these are of no moment either in point of fact or argument, it is not worth while to correct them now.

Those delays have given me time and opportunity to peruse my Memorial again and again, with a view to discover any improprieties which might have escaped my observation, both in writing it and in reading the proof-sheets. The only thing which strikes me forcibly in that respect, is the having mentioned without any ceremony the names of several of the Surgeons without their consent or knowledge. I trust, however, that this can neither give offence to them, nor be misunderstood by others. The facts mentioned with respect to them are abundantly well known, and are in themselves things either quite indifferent, or such as do them honour: for example, what I have mentioned (page 104.) of Mr Bennett and Mr Law. But whether I have judged right or wrong in this respect, neither of them can justly be blamed for what I have done; for neither of them at this moment know that I have mentioned their names: And I believe they know as little as any of their professional brethren do of this Memorial.

The name which is mentioned in it in the most questionable manner is that of Mr George Bell, (page 16.). He is mentioned as the attending Surgeon; and he is no longer so; nor has he been so for near three months. He is one of the youngest members of the College of Surgeons, against whose promiscuous attendance by rotation I remonstrate so strongly. Some serious explanation of this is necessary; else it might be a cruel wrong to him, and might be understood by many persons to imply that I wished to

point him out particularly as an example of what was bad in that system, and as the object of public disapprobation and censure. Nothing can be farther from my intentions. Any such insinuation from me would in the first place be a most ungrateful return to his father for his very skilful professional assistance most zealously given to me and my family when we had much need of it; and in the second place, would be great injustice to the young man himself. He was long my pupil as a student of physic; and I was much better acquainted with him than it is possible for me to be with most of my pupils, for he was my clerk during a course of Clinical lectures. In that capacity I had much reason to be satisfied with his good sense, his attention to his duty, and his proficiency in physic. As to his proficiency in surgery, for the reasons fully mentioned already, I cannot judge of it; but as he has made that his chief object, and has had very uncommon advantages in the study of it, I must presume, till I have evidence to the contrary, that he is well instructed in his own profession. Far from wishing to injure him, I should be very glad to do him every good office in my power on any proper occasion; but this is not such an occasion. However great his merits may be supposed, I am sure the loss of him, and of an hundred others as well qualified as he is, may be easily and well supplied to the sick poor in the Hospital by the attendance of two or three ordinary Surgeons permanently appointed; and I am equally sure that the evils resulting from the promiscuous attendance and consultations of all the Surgeons in Edinburgh by rotation cannot be compensated to the sick poor, by all the merits of an hundred as good as he is, or better, attending only in their turn with the rest of their professional brethren. I shall trust therefore that both the Father and Son have good sense and knowledge enough of their profession to perceive, that the general principles on which I have proceeded in this discussion admit of no exception in favour of any individual whatever. Jonathan



Dawplucker, Esq; need not frown, with either of his faces, on me, for thus expressing my good will to Mr George Bell and his father; for it is to be understood always with a *salvo jure* to him. He may be assured that I shall never side with either of them in any of their professional disputes; and that he has my hearty consent to pluck them both, in his best manner, twice a-year, as long as they live, or oftener if he chooses. I like the sport as well as he can do; and at present, that is, till such time as the attendance of the Surgeons in the Royal Infirmary be put on a proper footing, it may do good, and can do no harm.

At the end of this long Paper, more than twice as long as I intended, it will perhaps appear almost a burlesque to offer any apology for not making it longer. But, in truth, many things have been omitted in it, which those who are already acquainted with the subject, and especially the Surgeons themselves, must think I ought to have stated in such a Memorial. As the same subject was keenly agitated more than thirty years ago, that is, after thirty years experience of the bad effects of that pernicious system of their promiscuous attendance by rotation, against which I now remonstrate; and as the same subject was again under consideration eight years ago, in consequence of Dr Duncan's suggestion; it is plain that some of the Surgeons must have some reasons which they think valid for wishing the present system to continue. It will naturally be supposed that many particular facts and circumstances of real importance in deciding the question, especially such as involve the interest of their College in its corporate capacity, or of its several members individually, may be well known to them, and that such things must have been already stated and urged with effect in the former discussions of this controversy.

It certainly would have been incumbent on me as a man of candour, professing, and in truth most anxiously wishing, to act openly and uprightly in the conduct of this business, to have stated fairly

every such fact, or circumstance, or reason, or argument, and either to have allowed it its full weight, or given my own reasons for disregarding it.

But I solemnly declare, that, after the most diligent enquiry, I have not been able to discover or hear of any thing of that kind. I formerly mentioned very strongly, and I now repeat, that I neither know nor can conceive any argument in favour of the present system that can be supposed to have the smallest weight, except either that it is good (or at least not bad) for the patients; or else, that though bad for the patients, it is the right of the Surgeons, long since bought and paid for, which right they will maintain, and endeavour to enforce by law. Both these arguments I have considered fully, and have given my reasons for disregarding them both.

As to the great contest thirty years ago, I can most completely account for my not giving any review of it. That volume of our minutes which contains the history of it, has been missing for several years, as I learned after I had given both our Clerk and our Treasurer a great deal of needless trouble in seeking for it. I shall be very glad, and I think it not impossible, that this public mention of it may prove the means of recovering the missing volume. It probably is in the possession of some person, or of the executors of some person, who has formerly been a Manager of this Hospital. I had no access to the Minutes of the Royal College of Surgeons, nor could I, without the grossest impropriety, have applied for such information as I wanted on this occasion, to the worthy President of that College. It would have been like asking him to be of counsel with me against that society over which he presides. I trust I need not assure him, that this consideration alone, of the respect and delicacy due to his official character in the College of Surgeons, and no change in those sentiments of esteem and friendship which I have long entertained, and ever must entertain



ertain for him, has prevented me from submitting to his revision every page of this Memorial, even before it went to the press. To this confidence on my part he would have been well entitled by his friendship to me, as well as by his long and meritorious services in the Infirmary, first as a Surgeon, and afterwards as a Manager. But as President of the Royal College of Surgeons, he will not see one word of it till after it shall have been distributed among the Managers of the Royal Infirmary.

As to Dr Duncan's proposal in 1792, I have not to this hour been able to learn any more about it but his own printed paper, which contains only his proposal, but no explanation of the nature and greatness of the evil which he wished to remove. I suspect that Dr Duncan, with that peculiar good nature and candour for which he is so honourably distinguished, had taken it for granted, that as the evil was well known to all who were most concerned in it, especially to the Surgeons and the Managers of the Infirmary, any full exposition of it was unnecessary, and that all of them would cheerfully concur in any measure that tended to lessen such a notorious evil. In both respects it appears that he was mistaken; and I have done my best endeavours to profit by his error, and to supply the defects of his short paper. I must take the liberty to say, that I do not think his proposal was by any means an adequate remedy for the great evil which he wished to remove; but whether he was right or wrong in those opinions, I am sure I have not heard of any one argument against his proposal but that one, too ludicrous and contemptible to deserve a serious discussion, that the Surgeons would make a terrible noise about it.

As to the numberless facts and circumstances which must have occurred in the course of more than sixty years experience of the promiscuous attendance of all the Surgeons in Edinburgh in rotation, I can only say that I have never yet heard of one which I can consider as in favour of that system; and that I have heard

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of many that I should consider as strong additional arguments against it. But such particular facts are not wanted for my present purpose: and in one respect they would be almost inconsistent with it. I wish the question to be discussed, as I am sure ultimately it must be decided, on the fair general principles which I have stated; principles immoveably fixed in human nature, and in the nature of the medical profession: those principles on which it ought to be decided if the same general question were agitated in any other great city, or if it should be agitated in this city an hundred years hence, and on which at this time it would be decided if not one of the present members of the College of Surgeons in Edinburgh had ever been born. When it is discussed on such principles, it appears to me impossible that any the smallest wrong can be done to that College, or to any individual member of it.

It is possible, however, that some particular facts or circumstances, unknown to me, or heard of only as vague reports, to which I could pay no regard, may be well known to the Surgeons, and may by them be thought of such importance in behalf of the present system, that I ought to have stated them and given them their full weight in this Paper. I am sensible that any wilful suppression of such facts or circumstances on my part, would be just as bad as the fabrication of falsehoods to serve my purpose.

Therefore, to preclude at once all such surmises, I hereby publicly make them this offer, which they must all acknowledge to be fair.

If any *facts* or *circumstances* known to them have been *omitted* in this Memorial, which they think should have been *stated* in it, as involving the honour and interest, either of their College in general or of any individual member of it, and which on mature deliberation they wish to have as publicly known as this Paper will be, let them give me *authentic information* of those things; and I en-

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gage, without delay, to print them, in their own words, in an additional Memorial, which shall be distributed in the same manner as this; and either to admit them to be valid, or to give my reasons for disregarding them.

They will not, I presume, understand by this offer, that I undertake or wish to argue their case for them. I have the humility to believe that they would rather trust it to a consultation of the five and twenty youngest Lawyers at the Bar, or to all of them in rotation; rather to Jonathan Dawplucker himself; perhaps rather to the Devil, than to me. But I wish them fully to know that there is no wilful suppression, on my part, of any fact or circumstance favourable to them, and unfavourable to my cause; and that I should consider any such disingenuous conduct, as both disgraceful to myself, and inconsistent with the honest and benevolent purpose of this Memorial.

JAMES GREGORY,

ST ANDREW'S SQUARE,

16th July 1800.

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